[Mr. G. Paramesvaran Pillai.]

THE NAIR REGULATION AMENDMENT BILL.

PRESIDENT: We will now proceed to the discussion of the Nair Regulation Amendment Bill.

MR. G. PARAMESVARAN PILLAI: Sir, about a couple of years ago, when Mr. C. Raman Tampi introduced a bill to amend the Nair Regulation, I had occasion to dwell at length on several of the important questions raised by the proposed measure, in this House. I do not therefore wish to traverse the same ground over again, but shall confine myself to a few general observations on Mr. Raman Pillai's bill.

I hope Mr. K. P. Raman Pillai will forgive me when I say that his bill betrays marks of hasty draftsmanship. But this defect can well be cured at subsequent stages of the bill. Naturally, the provisions regarding intestate succession and partition have come in for a large measure of criticism in this House. I do not, however, propose to examine them in detail at this stage. But, in regard to partition, it may be safely asserted that the main principle of partition of *tarwad* property has found general recognition among the Nairs as a community. But there is considerable difference of opinion as to *who* may claim partition, *when* it may be claimed, and whether it should be *per capita* or *per stirpes*. I must confess my inability to dogmatise on such questions. I am one of those who believe that some at least of the objections raised against individual partition being allowed to operate at once and without ample safeguards are deserving of careful consideration. It ought to be our aim to remedy the existing evils, and legislate with a view to secure the greatest good to the greatest number. In this connection, I pointed out, when the matter came up for discussion in the last Council, that the position of our women after partition demanded our earnest attention. It is apprehended by opponents to individual partition that the position of woman will be rendered precarious after partition. For the woman will then have no place in the *tarwad*; if married, she will have to depend entirely on her husband; and, if unmarried, her position will be comparatively helpless. Although I am not very pessimistic in this respect, I must say that the law, as it is, does not adequately safeguard the interests of women. But once a woman is separated from her *tarwad* and dwells with her husband, the chances of a free divorce should be rendered as rare as possible. I would welcome in this connection Mr. Raman Pillai's suggestion not to fix any maximum compensation payable to the wife on divorce. I would also favour the opinion of Sir T. Muthuswami Aiyar, the President of the Malabar Marriage Commission, who proposed the payment of compensation to the extent of one-fourth of the repudiator's self-acquired property in case the divorce was sought without just cause.

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To safeguard the interests of women, I emphasised the desirability of incorporating some provision whereby the property obtained by a male from his *tarwad*, on partition, could be made subject to a charge for the maintenance of the wife and children. His absolute rights of alienation of such property should be restricted at least to the above extent. To the *tarwad* property obtained on partition should be attached some incident of responsibility. If before partition the *corpus* was to be in the possession of the *karanavan* for the benefit of himself and all the members of the *tarwad*, after partition it should be in the possession of the husband for the benefit of his wife and children as well. I am glad that this view has found favour with some of my friends in this Council and that the mover of the bill has also recognised the necessity of considering this aspect of the subject.

Mr. Raman Pillai's bill provides that any member may claim or be compelled to divide from any other member of the *tarwad* and that the share of the individual shall be determined *per capita*. It further provides that, until such division, each member of the *tarwad* should be deemed to have a definite share in the *tarwad* property liable to be seized in execution and capable of being alienated and inherited. These provisions *as they stand* are open to serious objections and do not commend themselves to me in their entirety.

Accepting the principle of individual partition as our goal, it should still be possible to decide how quickly we should reach that goal and what safeguards might be provided against the evils that are apprehended as a result of introducing individual partition at once. It is extremely desirable to make adequate provision for preventing the splitting up of small estates into a large number of uneconomic holdings and to secure an equitable division of small estates without causing inconvenience to the co-sharers. It was pointed out by Dr. Kunjan Pillai that even now several of the estates are uneconomic in the true sense of the term. In that case, it is all the more essential that the evil should not be aggravated. These are large questions of a controversial nature and they do not admit of profitable discussion in this House at this stage of the bill. When the main principle of partition is accepted, all the above questions, namely, whether *thavazhee* partition or individual partition should be provided for and what safeguards should be adopted to preserve the society from the evils apprehended as a consequence of individual partition, are matters that may have to be critically examined in the Select Committee. I repeat that the importance of the bill is such that the Select Committee should be free to go into the several phases of the question as elaborately as possible.

I regret to note that the bill does not aim at setting at rest several conflicting opinions raised by the High Court in regard to certain important provisions of the existing Regulation. Section 17 of the existing Regulation relating to partition of *makkathayam* property has been severally construed at different times by different judges and it has

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[Mr. G. Parameswaran Pillai.]

become difficult to advise what interpretation should be put upon it. Mr. Raman Pillai's bill does not provide for the partition of *makkathayam* property at all, for there is nothing in the new bill corresponding to section 17 of the Regulation.

In regard to the vexed question of intestate succession relating to properties belonging to non-Nairs who have marital relationship with Nair females, we had occasion to listen to two very lengthy speeches yesterday. I might say at once that both Mr. Krishna Aiyangar and Mr. Rangaswami Aiyangar deserve to be congratulated on their sense of fairness, liberality of views, and the expression of deep sympathy for the legitimate aspirations of the Nairs in this respect. But my only regret is that they have thoroughly misunderstood the scope of the provisions of the present bill, and they have misconstrued our point of view on this question. The effect of the provisions in the bill upon those non-Nairs who follow the Hindu law has been vividly pictured to us. It was pointed out that the Nair widow would obtain a status superior to the "*Sastraic* widow" and that the due performance of funerals, marriages and *Upanayanams* will be hampered and obstructed by the Nair sons inspired by new ideas of western civilisation. One of the members characterised the contemplated change as an attempt "to drive a coach-and-pair into the very home of Hindu orthodoxy" and another stated with equal force that we were "riding roughshod over the canons of legislative equity". Indeed, if the proposed change will bring about any such result, I shall not advocate it. But my own view is that the provisions of the bill in this respect are not only innocuous but are absolutely essential for the safety and well-being of the community.

It has been said that the personal law of the non-Nair husband is in danger. I deny this suggestion altogether. It is open to a non-Nair male to will away his acquisition in any manner he likes. The difficulties pointed out on behalf of the non-Nairs can arise only in cases where persons following the Hindu law choose to marry Nair females governed by the Nair Regulation. There is absolutely no sort of compulsion or conscription implied in Mr. Raman Pillai's bill that such non-Nairs shall marry Nair females. It was incidentally observed by one member yesterday that marriages were being *'sought after'*. By the Nair or the non-Nair? I wonder, by whom? The suggestion implied by the member concerned was, I am glad to note, promptly repudiated by my friends Messrs. Krishna Aiyangar and Rangaswami Aiyangar. As rightly observed by them, the principle of "seeking after" is absolutely irrelevant for the purpose of our discussion. On the other hand, I should consider it a well-understood rule of social morality that it is obligatory upon the person who incurs marital relations to appraise himself beforehand what law will govern the parties after incurring such marital obligations. The contract should be entered into with open eyes and with full knowledge that the personal law—whatever it is—

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will undergo material change when once marital relations are contracted with a Nair female. In fact, even such marriages legally amount to an encroachment upon the personal law. The Hindu law does not recognise any valid marriage with a Nair female. If not, is that a reason why the Nairs should not legislate, imposing obligations upon those who marry Nair women, whether such persons follow the Hindu law or any other system of law? In spite of the personal law of the Hindus which does not recognise Nair marriages, my friends on the other side have no objection to allow a legal charge upon the properties of the non-Nair husband for the maintenance of the Nair wife and children. This again is not sanctioned by the Hindu law. If the self-acquisitions of a non-Nair male following the Hindu law or having a personal law of his own are liable to be charged for the maintenance of the Nair widow and children, I ask what difference it makes on principle in the matter of the devolution of such self-acquisition on the death of the non-Nair husband. I see none whatever. It is one of the primary obligations due to society that, when children are begotten, they should be amply provided for by the father. It is one of the elementary principles of social justice and morality that the so-called personal law of any one community should not be allowed to violate such principles, especially when such violation will result in the perpetration of manifest injustice upon another community. I might also state for the information of the House that the legislature need not be scared away by the alleged infringement of personal law. For, as observed by Sir Frederic Pollock, "The legislature is not bound to conform to the known existing rules or principles of law; statutes may not only amend but reverse the rule or they may introduce absolutely novel principles and remedies".

I cannot leave this part of the subject without making a reference to clause 10 of the bill. It runs thus:

"No one having a personal law of his own allowing polygamy shall marry a Nair female while already married to a Nair female".

Mr. Rangaswami Aiyangar said that there was no legislative logic in this provision.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR: As a point of personal explanation, Sir, I would say that what I said was that the clause would allow the marriage of a Nair female for the purpose of marrying more than one wife, that is, it would allow polygamy.

PRESIDENT: I think Mr. Parameswaran Pillai has understood you rightly and he is interpreting you correctly.

MR. G. PARAMESVARAN PILLAI: What I understood from Mr. Rangaswami Aiyangar was that there was no logic in this provision because a person having a caste-wife will also be allowed to marry a Nair wife, that is, it allows polygamy. That was what I understood him to mean yesterday.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. M. K. Khadir Pillai.]

PRESIDENT: I think that is correct. Mr. Rangaswami Aiyangar said that the principle of monogamy should be consistent.

MR. G. PARAMESVARAN PILLAI: I am prepared to say that that is the correct position which Mr. Raman Pillai ought to have taken. Logically he should have provided that a man having a personal law of his own allowing polygamy shall not marry a Nair woman if he is already married to a caste-wife. In that case all the complications and difficulties on account of marriage of daughters and *Upanayanams* of sons, etc., will also vanish at once, because, if the person is already married to a Nair female, he cannot marry a caste-wife. The best remedy therefore to avoid complications arising from a personal law which does not recognise marriage with a Nair female as valid for all purposes is to avoid incurring such marital obligations.

In regard to the provisions relating to *tarwad* management, I am of opinion that several of them stand in need of modification. But I do not wish to take the time of this Council by dilating upon them. I would only request Mr. Raman Pillai to suggest a sufficiently representative Select Committee where all the different aspects may be fully discussed and from where it may be believed that this bill will emerge—

MR. T. K. VELU PILLAI: I wish to know if the member is in order in referring to the constitution of the Select Committee at this stage. All that we are concerned with is the principle of the bill. The reference to a Select Committee is the next stage.

PRESIDENT: I think the member is in order. I may observe that the Select Committee is appointed by the House.

MR. G. PARAMESVARAN PILLAI: I am aware of that. It is not for me to deal with the constitution of the Select Committee. I am just suggesting that the Select Committee should be free to discuss all these phases of the question. It should not be said hereafter that, because the principle of the bill has been affirmed by this Council, the bill cannot be freely discussed in its *entirety* in the committee. And when the bill emerges out of the Select Committee, let us hope that it will meet the wishes of as large a section of the community as possible. With these words, I support the principle of the bill.

MR. M. K. KHADIR PILLAI: Sir, as a well-wisher of the Nair community, I have much pleasure in supporting the bill before us, which, if given effect to, will, I am sure, be a guide for the future welfare and happiness of the community for whom it is intended.

A fair number of the learned members, on both sides of this House, have elaborately spoken on the subject, and so I do not think I am competent to speak further. I only wish to make a few observations, for the consideration of this council.

LIBRARY ARCHIVES Kerala Legislative Assembly

In according my hearty support to this important bill, I wish to state that it is one which will have a far-reaching influence on the future progress of the community. As one who has lived among and moved freely with the Nair community from boyhood and as one who has had extensive business connections with various individuals of the community in the northern taluks of this State for the last 25 years, I may claim an intimate acquaintance with the moral, social and economic conditions of the Nairs of north Travancore. The one thing that has struck me as peculiarly characteristic of the community is the gradual decay of the old and well-to-do families of the community in every part of the country with which I am acquainted. The causes attending such decay are various, but they are all mainly traceable to the *marumakkathayam* system by which the community is governed. The absence of any responsibility on the part of the junior members of the *tarwad* in the management of *tarwad* affairs, their practical exclusion from such management and from the enjoyment of the profits of the *tarwad* properties, the absence of any incentive on the part of the *karanavan* to conserve and accumulate the family resources, the conflict of his duties towards his family with those towards his wife and children, the gradual loss of his credit as *karanavan* of the *tarwad*, these and many other evils resulting from the archaic system of inheritance under which a Nair lives, have been the causes of the downfall of many a wealthy Nair *tarwad* in our part of the country.

That this system, therefore, requires radical change, is a proposition which none acquainted with the state of the Nair community would dispute. The real difficulty comes only when the nature of the change to be effected is brought under scrutiny. As a member of a community which follows a system of *makkathayam* law, acknowledged on all hands to be the most equitable of all systems of inheritance, I, for one, would suggest that the grant of a right to individual partition to all the members of a Nair *tarwad* is the best and surest remedy for most of, if not all, the ills from which the Nair society has been suffering for years past. The possession of such a right would create a sense of responsibility among the members of the *tarwad* and would also tend to bring forth the undoubted talents and capacities of every Nair youth in this country.

It would, again, enable every member of the community to live and work openly for his wife and children and to adopt the *makkathayam* system of inheritance to which the community as a whole has been tending in recent years. Such a consummation is one to be ardently wished for by every one who has any sympathy with a community having a glorious past and destined to play no small part in the future history of this State.

Individual partition, though acknowledged by all as the ultimate remedy for the many evils of the *marumakkathayam* system, is not advocated at present by a respectable minority of those who follow that system. They fear that a sudden break-up of Nair *tarwads* would result from a grant of the right to individual partition all at once and that such break-up would end in the economic ruin of the community as a whole. This fear is, in my opinion, entirely groundless.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. M. K. Khadir Pillai.]

I am acquainted with several *makkathayam* families possessing the right of individual partition living in amity and peace under the control of the eldest member of the family for years together. Instances of such families living in an undivided state and in prosperous circumstances for even two or three generations are also not rare.

The mere fact of the possession of a right to demand partition on the part of every member of such *makkathayam* families checks all tendencies on the part of the managing member to mismanage or misappropriate family properties; and it also proves an incentive to every member to put forth his best endeavours in the matter of increasing the family wealth. The grant of a right to individual partition would, of course, induce many of the discontented members of Nair *tarwads* to demand their shares in the *tarwad* properties, and some of them may ultimately squander away their newly-gotten wealth.

As the real prosperity of a family depends on the whole-hearted co-operation of every member thereof, it is decidedly better for the prosperity of the family to get rid of any one who cannot live in amity with the rest of the family. Further, man being selfish by nature, it is not likely that any respectable portion of those who go away with their share of the *tarwad* property would squander away their wealth. All these considerations are to weigh with us in deciding the nature of the partition that is to be allowed at present to the members of a Nair *tarwad*. My own experience tells me that the grant of the right to individual partition, if made at this stage to the members of the Nair *tarwads*, is not likely to bring in any very serious economic ruin on the community at large. My father breathed his last some twenty years ago leaving behind him eight of us, of whom two, including myself, were the only ones who were majors at the time. As the eldest member of the family, I was in management of the family concerns for over fifteen years. At the end of that period, we separated, though the separation was not in the least desired by the others who were fully satisfied with my management. It is now six years since we separated; but there still exists among us the same old fraternal affection and readiness to co-operate with each other in all cases. I am glad and proud to say that our separation, while it has not affected the cordiality of our mutual relations, has done us only good; for all of us have prospered well during these years. Instances like mine are too numerous to mention. They prove clearly that good management coupled with a right to demand one's own share does not ordinarily tend to the sudden break-up of families or to the ruin of those who go away with their shares to lead an independent life. They also show that partition does not necessarily lead to ruin.

A word on the subject of marriage and I shall conclude. Although I belong to a community in which polygamy is allowed, I am decidedly of opinion that it is neither conducive to the happiness of the family nor

LIBRARY ARCHIVES Kerala Legislative Assembly

to the healthy progress of the community as a whole. I, therefore, welcome the provision in the bill enjoining monogamy on Nair males, and would suggest that the same be also applied to such non-Nairs as may desire to marry the women of the Nair community. In the matter of inheritance, the Nair wife and children ought to share equally with the children by acaste-wife in respect of property left by an intestate non-Nair, whatever his personal law might be. Such a provision would ultimately lead to the extinction of the practice of inter-caste marriages between Nair ladies and non-Nair gentlemen.

For my own part, I would advocate the insertion of a provision in the bill prohibiting inter-caste marriages in future, as, in my opinion, such marriages have seldom proved beneficial to the individuals or the communities concerned. Such a prohibition would not only better the social conditions of the Nair community, but would also promote the healthy growth of those non-Nair communities, whose members are now allowed to marry Nair ladies. With the above observations, I support the bill.

MR. T. KUMARA PILLAI: നായന്മാരുടെ സാമുദായികനിയമത്തിന്റെ പലേ ഭേദഗതികളോടുകൂടി ഒരു ബിൽ കൊണ്ടുവരുന്നതിനെ മിസ്റ്റർ കെ. പി. രാമൻ പിള്ളയുടെ സാധിച്ചതിൽ ഞാൻ അദ്ദേഹത്തെ അഭിനന്ദിക്കുന്നു. ഇപ്പോൾ ഹാജരാക്കീട്ടുള്ള ഈ നക്കൽ ബില്ലിനെപ്പറ്റി ചിലപ്രധാനസംഗതികൾ മാത്രമെ ഇപ്പോൾ ഞാൻ പ്രതിപാദിക്കാൻ ഉദ്ദേശിക്കുന്നുള്ളൂ.

നായന്മാരുടെ സാമുദായികനിയമത്തിനു കാലാനുസരണമായ ഭേദഗതി അത്യാവശ്യമാണെന്നുള്ളത് എല്ലാവരും പൂർണ്ണമായി സമ്മതിക്കുന്നതാണു്. ആ ഭേദഗതി എങ്ങനെ വേണമെന്നുള്ളതിൽ പലേ അഭിപ്രായവ്യത്യാസങ്ങളും ഉള്ളതാണു്. ഏഴുലക്ഷം ജനങ്ങളോളം ഉള്ളതായ നായന്മാരുടെ സാമുദായികനിയമത്തിനു ഭേദഗതി ഉണ്ടാക്കുന്ന സംഗതിയിൽ നിയമസഭാംഗങ്ങൾ വേണ്ടപോലെ ആലോചിച്ചു പ്രവർത്തിക്കേണ്ടതാണു്. നിരാക്ഷേപമായ ഒരഭിപ്രായം പറയുന്നതിനു് ഇതു വിഷമമുള്ളതായ മറെറാരുബിൽ നിയമസഭയിൽ വന്നു ചേരുമെന്നു തോന്നുന്നില്ല. ഏകയോഗക്ഷേമമായി കഴിഞ്ഞുകൂടേണ്ടതായ കുട്ടുകുടുംബവ്യവസ്ഥിതി മുൻകാലങ്ങളിൽ എത്ര തന്നെ ഗുണകരമായി നടന്നിരുന്നാലും ഇന്നത്തെ സ്ഥിതികൾക്കു യോജിക്കാതെയാണു് വന്നിരിക്കുന്നതു്. നായർ കുടുംബങ്ങളുടെ ഇന്നത്തെ ഭരണദോഷങ്ങൾക്കും ക്ഷയത്തിനും പ്രധാനകാരണമായി നില്ക്കുന്നതു് ഇന്നത്തെ സ്ഥിതിയിലുള്ള കുട്ടുകുടുംബവ്യവസ്ഥിതിയാണെന്നുള്ളതു് സമ്മതിക്കാവുന്നതാണു്. കുട്ടുകുടുംബത്തേയും അതിലുള്ള അംഗങ്ങളേയും സ്നേഹിക്കണമെന്നും അവരുടെ നന്മ

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. T. Kumara Pillai.]

യ്ക്കായി വേലചെയ്യണമെന്നും മരുമക്കത്തായ നിയമം നിർബന്ധിക്കുന്നു. അന്ത്യകാലത്തുതന്നെ ഭാര്യയേയും കുട്ടികളേയും സ്നേഹിക്കയും അവരുടെ രക്ഷയ്ക്കു വേണ്ടി വേലചെയ്കയും ചെയ്യണമെന്ന് മനുഷ്യസ്വഭാവമായ കടമയും അവരെ നിർബന്ധിക്കുന്നു. നിയമത്താലുള്ള കടമയും അതോടുകൂടി സ്വാഭാവികമായുള്ള മറെറാരു കടമയും ഏകകാലത്തു് കൈയേറ്റ് ഒരു പോലെ തൃപ്തികരമായി നടത്തുന്നതിന് ഇന്നത്തെ സ്ഥിതിക്കു് ഒരാളിന് ഒരിക്കലും സാധിക്കുന്നതല്ല. ഈ വിഷമതകളിൽ നിന്നും നായർ സമുദായാംഗങ്ങൾക്കു പൂർണ്ണമായി രക്ഷകിട്ടണമെങ്കിൽ മക്കത്തായം സ്വീകരിക്കുന്ന കാലത്തു മാത്രമേ സാധിക്കയുള്ളൂ എന്നാണു് എനിക്കു തോന്നുന്നതു്.

നായർ സമുദായത്തിനു രക്ഷയായി നില്ക്കുന്ന മക്കത്തായത്തിലേക്കു് കടക്കാനുള്ള വഴികളെപ്പററി പ്രബലമായ പലേ അഭിപ്രായവ്യത്യാസങ്ങളും ഉണ്ടായിരിക്കുന്നു. ഇന്നത്തെ കൂട്ടുകുടുംബ ഏർപ്പാടിൽ നിന്നും അടുത്ത പടിയായ തായ്വഴിഭാഗം തൽക്കാലം മതിയാകുമെന്ന് ഒരുപക്ഷം അഭിപ്രായം വാദിക്കുന്നു. തായ്വഴിഭാഗം കിട്ടിയതിൽ പിന്നീട് ആർജ്ജിതം ഭാഗവും, അതിൽ പിന്നീടു മക്കത്തായവും, ന്യായമായ പടികളായിരിക്കുമെന്നും അവർ അഭിപ്രായപ്പെടുന്നു. ഡിപ്യൂട്ടി പ്രസിഡൻറ് മിസ്റ്റർ കെ. എ. കൃഷ്ണയ്യങ്കാർ തായ്വഴി ഭാഗത്തെ അനുകൂലിച്ച് അഭിപ്രായം പറഞ്ഞിരിക്കുന്നു. അനേകകാലത്തെ പഴമപരിചയത്താലുള്ള അദ്ദേഹത്തിന്റെ അഭിപ്രായത്തെ ബഹുമാനിക്കേണ്ടതാണു്. എന്നാൽ തായ്വഴി ഭാഗത്തിനു കണ്ടു വരുന്നതായ ദോഷപരിഹാരമാർഗ്ഗങ്ങളെപ്പററി അദ്ദേഹം വേണ്ടപോലെ നിർദ്ദേശിച്ചു കാണുന്നില്ല. മരുമക്കത്തായക്കൂട്ടുകുടുംബങ്ങളിൽ ഇപ്പോൾ ദോഷകാരണമായി കരുതി പോരുന്ന ഒരു കാരണവന്റെ പക്കലും തായ്വഴി ഭാഗത്താൽ ആ തരത്തിലുള്ള അനേകം കാരണവന്മാരെ സൃഷ്ടിക്കുന്നു എന്നുള്ള വാദത്തെ അദ്ദേഹം വേണ്ടപോലെ ഖണ്ഡിച്ചു കാണുന്നില്ല. തായ്വഴിഭാഗത്താൽ സഹോദരീസഹോദരന്മാരും അവരുടെ കുട്ടികളും ചേർന്നുള്ള മറെറാരു കുടുംബമാണു് ഉണ്ടാകുന്നതു്. ആ കുടുംബത്തിൽ തന്നേയും അതിലെ കാരണവർ തൃപ്തികരമല്ലാത്ത ഭരണം നടത്തി പോരുന്നതാൽ അതിലെ മറെറാംഗങ്ങൾക്കു് അതിൽ നിന്നു രക്ഷകിട്ടേണ്ടതു് അത്യാവശ്യമായിട്ടുള്ളതാണെന്നു സമ്മതിക്കാതെ തരമില്ല. തായ്വഴിഭാഗത്തിനു് അനുകൂലമായ കക്ഷിതന്നെ ഒരു "negligible minority" മാത്രമേ ഉള്ളൂ എന്നാണു് ബില്ലിന്റെ ക-

LIBRARY ARCHIVES Kerala Legislative Assembly

ത്തോവായ മിസ്റ്റർ കെ. പി. രാമൻപിള്ള പറയുന്നതു്. 'ഈ അഭിപ്രായം എങ്ങനെ കിട്ടി എന്നുള്ളതു് അദ്ദേഹത്തിന്റെ പ്രസംഗത്തിൽ പറഞ്ഞു കാണുന്നില്ല. ഈ അഭിപ്രായം രൂപീകരിക്കുന്നതിന് അദ്ദേഹത്തെ സഹായിച്ചിട്ടുള്ള കണക്കുകൾ പരസ്യപ്പെടുത്തുന്നപക്ഷം ഈ നത്തെ താഴ്ന്നഴി ഭാഗക്കാരിൽ പലരും അതിൽ നിന്നും പിന്മാറിയേക്കാൻ എളുപ്പമുള്ളതാണു്. അതിലേക്ക് അദ്ദേഹം തയാറാകുമെന്ന് ഞാൻ വിശ്വസിക്കുന്നു. താഴ്ന്നഴി ഭാഗം കൊണ്ടു് ഇന്നത്തെ ആളുകൾ തൃപ്തിപ്പെടുന്നില്ല എന്നും സമ്പൂർണ്ണസ്വാതന്ത്ര്യത്തോടുകൂടിയ മൂന്നാം വീതം ഭാഗമാണു് വേണ്ടതെന്നും മറ്റൊരു ഭാഗം ജനങ്ങൾ ശക്തിയോടുകൂടി വാദിക്കുന്നു. മൂന്നാം വീതം ഭാഗത്തിന് പലരേ ആക്ഷേപങ്ങളും പറഞ്ഞു വരുന്നുണ്ടു്. അതിൽ ഏതാനും ചില സംഗതികളെ ഇവിടെ പ്രസ്താവിക്കാം. മൂന്നാംവീതം ഭാഗത്തിന് അനുകൂലമായിട്ടാണു് ഇപ്പോൾ നമ്മൾ ബിൽ ഹാജരാക്കിട്ടുള്ളതു്. അതിലെ ഇരുപത്തിനാലാം വകുപ്പും പ്രകാരം തറവാട്ടിലെ ഏതൊരംഗത്തിനും മൂന്നാംവീതം ചോദിക്കാമെന്നനുവദിച്ചിരിക്കുന്നു. ഈ വകുപ്പനുസരിച്ചു കുടുംബാംഗങ്ങളിൽ ഒരാൾ വീതം ചോദിച്ചാൽ അയാൾക്കു ഭാഗം കൊടുക്കുന്ന ദിവസം മറ്റുള്ള അംഗങ്ങളും നിർബന്ധമായി അവരുടെ വീതങ്ങൾ വാങ്ങേണ്ടതായി വരുന്നു. ഈ അംഗങ്ങളുള്ള കുടുംബത്തിലെ ഒരാൾ ഭാഗം ചോദിക്കയും കൊടുക്കുകയും ചെയ്തതിൽ പിന്നീട് ബാക്കിസ്വത്തുക്കൾ ഒന്നായി വെച്ചിരിക്കുന്നു എന്നിരിക്കട്ടെ. നാലു വർഷങ്ങൾ കഴിയുമ്പോൾ ആ കുടുംബത്തിൽ നാലംഗങ്ങൾകൂടി ഉണ്ടാകുന്നു. ആ കാലത്തു വീതിക്കുന്നതായാൽ ബാക്കിവെച്ചിട്ടുള്ളതിൽ പങ്കുകളെ ഈ ആയി വീതിക്കേണ്ടിവരുന്നതാണു്. ഇങ്ങനെ ഉള്ള നഷ്ടം അനുഭവിക്കാൻ ആരും തന്നെ ക്ഷമിച്ചു കാത്തിരിക്കുമെന്നു തോന്നുന്നില്ല. അതിനാൽ മൂന്നാം വീതമായ ഭാഗവ്യവസ്ഥയോടുകൂടി നിയമം പാസായി കഴിഞ്ഞാൽ ഒരു ലഘുവായ കാലത്തിനകം നായന്മാരുടെ ജനസംഖ്യ കണക്കിന് അവരുടെ സ്വത്തുക്കൾ വീതിക്കേണ്ടതായി വരുന്നതാണു്. നായന്മാരുടെ സ്വത്തുക്കളെ സ്വല്പകാലത്തിനകം ഇത്ര അധികം പങ്കുകളായി വീതിക്കുന്നതിൽ വരുന്ന പ്രധാനദോഷം തറവാട്ടിലെ സ്ത്രീകളും അവരുടെ സന്താനങ്ങളും അനുഭവിക്കേണ്ടതായി വരുന്നതാണു്. തറവാടു വീതിക്കുന്ന കാലത്തു് ൨ കുട്ടികളുള്ള ഒരു സ്ത്രീക്കു് ൧ ഭാഗം കിട്ടുന്നു. ആ സ്ത്രീ ൪ വർഷം കഴിയുമ്പോൾ ൨ കുട്ടികളെകൂടി പ്രസവിക്കുന്നു എന്നിരിക്കട്ടെ. അങ്ങനെ വരുമ്പോൾ ആ സ്ത്രീയുടെ ആദ്യത്തെ രണ്ടുകുട്ടികൾക്കു് തറവാട്ടുസ്വത്തു് കിട്ടുകയും പിന്നീടുള്ള കുട്ടികൾക്കു തറവാട്ടു സ്വത്തു്

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. T. Kumara Pillai.]

കിട്ടാതാകയും ചെയ്യുന്നു. ആ കുട്ടികൾക്ക് അച്ഛന്റെ സ്വത്തു കിട്ടുമെന്ന് സാമാധാനം പറയുമായിരിക്കാം. ഒരു അച്ഛന്റെ 4 കുട്ടികൾക്ക് അവരുടെ തറവാട്ടുസ്വത്തും അച്ഛന്റെ സ്വത്തും കിട്ടുകയും മറ്റു 4 കുട്ടികൾക്കും അച്ഛന് സ്വത്തുള്ള പക്ഷം അതിന്റെ ഓഹരിമാത്രവും കിട്ടുകയും ചെയ്യുന്നതു് ന്യായമായി കരുതാവുന്നതല്ല. നായർ സമുദായത്തിലുള്ള എല്ലാ അംഗങ്ങൾക്കും സ്വല്പകാലത്തിനകം ആറ്റം വീതം ഭാഗം കിട്ടുന്നതായാൽ അവരുടെ പൊതുവെ ഉള്ള സ്വത്തിന്റെ വിലയ്ക്കു വലുതായ കുറവു വന്നു പോകുന്നതാണു്. ഒരു കുടുംബത്തിൽ 5 പുരുഷന്മാരും 5 അംഗങ്ങളും ഉണ്ടെന്നിരിക്കട്ടെ. ആ 5 പുരുഷന്മാരും ഒന്നിച്ചു് ഒരാൾക്കു വില്ക്കുന്ന പക്ഷം 5000 രൂപ അതിനു കിട്ടുന്നതാണു്. അതിനെ പത്തായി വീതിച്ചു കൊടുക്കുന്നപക്ഷം പുരുഷന്മാർക്കു രൂപാവീതം ആയിരം രൂപായിൽ കൂടുതൽ കിട്ടാൻ സാധിക്കുമെന്നു തോന്നുന്നില്ല. ഇങ്ങനെ വരുമ്പോൾ, നായന്മാരുടെ സ്വത്തുക്കൾക്കു് ശരിയായി വിലകിട്ടാൻ സാധിക്കാതെ അവർ വിഷമത്തിലാകുമെന്നുള്ളതിനു സംശയമില്ലാത്തതാണു്. തറവാട്ടു സ്വത്തുക്കളെ ആറ്റംവീതക്രമത്തിനു ഭാഗിക്കുന്നതിൽ മറെറാരു ദോഷം കാണുന്നതു കൃഷിചെയ്യുന്നതിനു് വലുതായ അസൌകര്യവും വരത്തക്കവണ്ണം വസ്തുക്കളുടെ വിസ്താരം ഏറ്റവും ചെറുതായി തീരുന്നതാണു്. ഈ സ്ഥിതിയിൽ വസ്തുക്കളുടെ ആദായം കുറഞ്ഞു പോകയും ആ വഴിയിലും നഷ്ടം അനുഭവിക്കേണ്ടതായി വരികയും ചെയ്യുന്നു. ഇതിനും പുറമെ, ഇങ്ങനെ വീതിക്കുന്ന വസ്തുക്കളെ ഓരോരുത്തക്കും സബ്ഡിവിഷൻ ചെയ്തു് കല്ലിട്ടു തരുന്നതിനു് ഗവർൺമെൻറിനു സാധിക്കാതേയും വരും.

ആറ്റംവീതം ഭാഗം ചെയ്യുമ്പോൾ, ഇപ്പോഴുള്ള വലിയകെട്ടിടങ്ങളെ സംബന്ധിച്ചു് പലേബുദ്ധിമുട്ടുകളും വരുന്നതാണു്. തറവാട്ടിലുള്ള സകല സ്വത്തുക്കളേയും ആറ്റംവീതം കണക്കാക്കി ഭാഗിക്കുമ്പോൾ കെട്ടിടങ്ങളെക്കൂടി വിലനിശ്ചയിച്ചു വീതിക്കേണ്ടതായി തന്നെ വരും. എല്ലാ അംഗങ്ങൾക്കുമായി തറവാട്ടു ഗൃഹത്തിനെ വീതിച്ചു കൊടുക്കാൻ സാധിക്കുന്നതല്ല. ആറ്റം വീതം ഭാഗത്തിനു് പലരേയും പ്രേരിപ്പിക്കുന്ന പ്രധാന സംഗതി സ്വാതന്ത്ര്യത്തിനുള്ള ആഗ്രഹമാണു്. സ്വാതന്ത്ര്യത്തെ ആഗ്രഹിച്ചു് ആറ്റംവീതം ഭാഗം ചെയ്തിട്ടുള്ളവർ സ്വത്തവകാശം ഇല്ലാത്ത പലരുമായി ഒന്നിച്ചു് ഒരുവീട്ടിൽ താമസിക്കുന്നതു് ഒരിക്കലും സുഖകരമായി തീരുന്നതല്ല. അതിനാൽ മിക്കവാറും അംഗങ്ങൾ വീട്ടിലുള്ള ഓഹരിക്കു് ആഗ്ര

LIBRARY ARCHIVES Kerala Legislative Assembly

ഹിക്കാതെ വരുന്നതു് സ്വാഭാവികമാണു്. വീട്ടിന്റെ സൌകര്യം പോലെ രണ്ടോ മൂന്നോ അംഗങ്ങൾ അതിനെ വീതിച്ചെടുക്കാമെന്നുവെച്ചാൽ, അതിന്റെ വിലയ്ക്കുള്ള മറ്റു സ്വത്തുക്കൾ അവക്കു കുറവായി തീരുന്നു. ആ ഹാരത്തിനു് ഉതകുന്ന സ്വത്തുക്കളെ കുറച്ചിട്ടു പേരിനായി മാത്രം ഒരു വച്ചിയ ഗൃഹം എടുക്കുന്നവർ തുലോം കുറവായി വരാനെ തരമുള്ളൂ. ഈ സ്ഥിതിയിൽ തറവാട്ടു വക വലിയ വീടുകളെ കൈയേൽക്കാൻ ആളില്ലാതെ അവ നശിച്ചു പോകുന്നതിനു് ഇടയാകുന്നതാണു്. നായർ സമുദായത്തിലുള്ള എല്ലാഅംഗങ്ങൾക്കും ആറും വീതം ഭാഗം കിട്ടുമ്പോൾ അവരുടെ താമസത്തിനു് ഒട്ടുവളരെ ഗൃഹങ്ങൾ പുതുതായി ഉണ്ടാക്കാതെ തരമില്ല. ഇതിലേക്കു് സ്ഥലങ്ങൾ കിട്ടുന്നതിനും കെട്ടിടങ്ങൾ ഉണ്ടാക്കുന്നതിനും നായന്മാർ വിഷമിക്കുതന്നെ ചെയ്യും. ആറും വീതം ഭാഗത്താൽ, ഉള്ള കെട്ടിടങ്ങളെ രക്ഷിച്ചു പോരുന്നതിനും, ആവശ്യക്കാർക്കു പുതുതായി കെട്ടിടങ്ങൾ ഉണ്ടാക്കുന്നതിനും, പലേ ബുദ്ധിമുട്ടുകളും ഉണ്ടായിരിക്കുന്നു.

ആറുംവീതം ഭാഗത്തിൽ കിട്ടുന്നസ്വത്തു് സർവസ്വാതന്ത്ര്യമായി വിനിയോഗിക്കാൻ അവകാശമുണ്ടായിരിക്കണമെന്നുള്ള തത്വത്തോടു് ഞാൻ യോജിക്കുന്നില്ല. മരുമക്കത്തായകുടുംബത്തിലെ സ്വത്തു് ഒരു കാലത്തു് ജീവിച്ചിരിക്കുന്ന അംഗങ്ങൾ ഒന്നുചേർന്നു് വീതിച്ചെടുത്തു് അവർക്കു ബാധിച്ചമാത്രമിവിനിയോഗിക്കാൻ ഉദ്ദേശിച്ചിട്ടുള്ളതല്ല. നായന്മാരുടെ സാമുദായികനിയമത്തിനു് കാലാനുസരണമായ ഭേദഗതിയും അതിനു യോജിക്കുന്നതായ ഭാഗവും അത്യാവശ്യമായിരിക്കുന്നതുകൊണ്ടു് ഭാഗിച്ചെടുക്കുന്ന കുടുംബസ്വത്തുക്കൾക്കു് ദോഷം നേരിടാത്തവിധം വേണ്ട കരുതലുകളും വ്യവസ്ഥകളും നിയമത്തിൽ ഉണ്ടായിരിക്കേണ്ടതാണു്. മക്കത്തായത്തെ ലാക്കാക്കി പുറപ്പെട്ടിട്ടുള്ള നാന്മാർ, അതിലേക്കായി ആഭാഹരിഭാഗം ചോദിക്കുന്ന നാന്മാർ, മരുമക്കത്തായത്തിൽ നിന്നും പിന്മാറുന്ന നായന്മാർ, മക്കത്തായത്തിന്റെ ചുമതലകൾ കൈയേൽക്കാൻ പാടില്ലെന്നും തനിക്കു ഭാഗിച്ചു കിട്ടുന്ന സ്വത്തിന്മേൽ ക്രയവിക്രയത്തിനു് സ്വാതന്ത്ര്യമുണ്ടായിരിക്കണമെന്നും ശഠിക്കുന്നതു് ന്യായമാണെന്നു തോന്നുന്നില്ല. ഒരു മനുഷ്യൻ അവന്റെ ന്യായമായ കടമകളിലും ചുമതലകളിലും നിന്നു് ഒഴിഞ്ഞു നില്ക്കാൻ നോക്കുന്നതു് ലോകജീവിതത്തിനു് ഒരിക്കലും യോജിക്കുന്നതല്ല. മരുമക്കത്തായത്തിൽ നിന്നും മാറാൻ തയ്യാറായിരിക്കുന്ന നായന്മാർ മക്കത്തായത്തിന്റെ ചുമതലകൾ വഹിക്കാൻ തയ്യാറാവുക തന്നെ വേണമെന്നാണു് എനിക്കു് അഭിപ്രായമുള്ളതു്.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. T. Kumara Pillai.]

ആഠംവീതംഭാഗം ചോദിക്കുന്നതും വാങ്ങുന്നതും മക്കത്തായത്തിലേക്കു പോകാനാണെന്ന് പലേ മാന്യന്മാരും അഭിപ്രായപ്പെട്ടുന്നുണ്ട്. ഒരാളുടെ സ്വന്തസമ്പാദ്യം അയാളുടെ കാലാനന്തരം ഭാര്യയ്ക്കും കുട്ടികൾക്കും ചെല്ലേണ്ടതാണെന്ന നിയമത്തിൽ വ്യവസ്ഥ ചെയ്തിരിക്കുന്നതു കൊണ്ട് കാലതാമസം കൂടാതെ മക്കത്തായത്തിലേക്കു കടക്കാൻ സൌകര്യമായിതന്നെ നിൽക്കുന്നു. എന്നാൽ നായർസമുദായം ഏതു മക്കത്തായത്തെ ആണ് സ്വീകരിക്കേണ്ടതെന്നും എങ്ങനെ ഉള്ള മക്കത്തായമായിരിക്കണമെന്നും ആരും തന്നെ വ്യക്തമായി പറഞ്ഞിട്ടുള്ളതായി ഞാൻ ഓർമ്മിക്കുന്നില്ല. എതയൊ പ്രധാനമായ ഈ സംഗതി കാലേക്കൂട്ടി ആലോചിച്ചു തീർച്ചപ്പെടുത്തേണ്ടതാണ്. ആഠംവീതം ഭാഗം വാങ്ങി മക്കത്തായത്തിലേക്കുള്ള യാത്രയിൽ പോകേണ്ട വഴിയും ചെന്നു ചേരേണ്ട സ്ഥലവും മുൻപേക്കൂട്ടി നിശ്ചയിച്ചു തീർച്ചയാക്കിയില്ലെങ്കിൽ പിന്നെ പലേ കുഴപ്പങ്ങൾക്കും ഇടയായി തീരുന്നതാണ്. അതിനാൽ ഏതു മക്കത്തായം നായന്മാർക്കു യോജിക്കുമെന്നുള്ളത് ആഠംവീതം ഭാഗം വാങ്ങുന്നതിനു മുമ്പുതന്നെ തീർച്ചയാക്കേണ്ടതാണ്. നായർസമുദായം മക്കത്തായികളാവാൻ ആലോചിക്കുമ്പോൾതന്നെ മക്കത്തായികളുടെ ഇടയിൽ വിവാഹബന്ധത്തിന് അവർ വരുത്തീട്ടുള്ള ഉറപ്പുപോലെ നായന്മാരും അവരുടെ വിവാഹബന്ധത്തിന് നിയമത്താൽ ഉറപ്പു വരുത്തേണ്ടതാണ്. ആഠംവീതം ഭാഗം വാങ്ങുന്നതിനും മക്കത്തായത്തിൽ പ്രവേശിക്കുന്നതിനും നായന്മാർ പലേ സംഗതികളിലും തയ്യാറാകേണ്ടതായുണ്ടെന്നുള്ളത് ഒരിക്കലും വിസ്മരിക്കത്തക്കതല്ല.

മക്കത്തായവും അതോടുകൂടി ആഠംവീതം ഭാഗവും കിട്ടണമെന്ന് വേറൊരുപക്ഷം അളുകൾ അഭിപ്രായപ്പെട്ടുന്നുണ്ട്. ആഠംവീതം കിട്ടാതെ മക്കത്തായത്തിലേക്കു കടക്കുന്നത് എങ്ങനെയാണെന്നുള്ള എതിർവാദവും അതിലേക്ക് ഇല്ലെന്നില്ല. മരുമക്കത്തായികളായ നായന്മാരുടെ ദായക്രമത്തെ മാറ്റി അവരെ നിയമപ്രകാരം മക്കത്തായികളാക്കി ആഠംവീതം ഭാഗം കൊടുക്കുന്നതു ഉസ്സാധ്യമായിട്ടുള്ളതാണെന്നു തോന്നുന്നില്ല. മക്കത്തായത്തോടുകൂടി ആഠംവീതം ഭാഗം കൊടുക്കുന്നതായാൽ, സ്വപ്നസ്വാതന്ത്ര്യത്തോടുകൂടിയ ആഠംവീതംഭാഗം മാത്രം കൊടുത്താലുണ്ടാകുമെന്നുള്ള പലേ ദോഷങ്ങളും ഇല്ലാതായി തീരുന്നതാണ്. ഭാര്യാഭർത്താക്കന്മാർക്കു ഭാഗങ്ങളിൽ കിട്ടുന്ന സ്വത്തുക്കൾ അവർക്ക് ഒന്നായി വെച്ചു ഭരണം നടത്തുന്നതിനും ആ സ്വത്തുക്കൾ അവരുടെ എല്ലാ സന്താനങ്ങൾ

LIBRARY ARCHIVES Kerala Legislative Assembly

ക്കും ഒരുപോലെ കിട്ടുന്നതിനും ഉപകുയ്മായി തീരുന്നതാണ്. നായർ സമുദായാംഗങ്ങളെ സർവ്വസ്വാതന്ത്ര്യാവകാശങ്ങളോടുകൂടിയ ആധീന ഭാഗം മാത്രം വാങ്ങി സ്വാർത്ഥപരതയോടുകൂടി ജീവിതകാലം കഴിച്ചു കൂട്ടുവാൻ അനുവദിക്കുന്നതിനേക്കാൾ, അവർ മക്കത്തായം സ്വീകരിക്കുന്നതും അതിലേക്കു നിയമം ഉണ്ടാക്കുന്നതും എത്രയോ ശ്രേഷ്ഠമായിട്ടുള്ളതാണ്. നിയമത്താൽ നായന്മാക്കു മക്കത്തായം കൊടുക്കാൻ ഇപ്പോഴും സാധിക്കയില്ലെങ്കിൽ ആധീനഭാഗത്തിലുള്ള ദോഷങ്ങളെ കഴിയുംവിധം പരിഹരിക്കത്തക്ക നിയമപദ്ധതിയെയാണ് അവർ സ്വീകരിക്കേണ്ടത്. കുടുംബത്തിലെ എല്ലാ അംഗങ്ങൾക്കും ആധീനം കണക്കാക്കി ഭാഗിക്കയും അതിൽ അമ്മയ്ക്കും കുഞ്ഞുങ്ങൾക്കും വരുന്നഓഹരികളെ ഒന്നായി ചേർത്ത് അമ്മയെ ഏല്പിക്കുകയും ചെയ്യുന്നത് നന്നായിരിക്കുമെന്നാണ് എനിക്കു തോന്നുന്നത്. അമ്മയുടെ കാലാനന്തരമോ അമ്മയുടെ പ്രസവകാലം കഴിഞ്ഞതിൽ പിന്നീടോ മാത്രം ആസ്വത്തുക്കളെ സന്താനങ്ങൾ തമ്മിൽ വീതിച്ചു കൊള്ളാവുന്നതാണ്. ഈ വ്യവസ്ഥകൊണ്ട് ഒരമ്മയുടെ ഏതാനും കുഞ്ഞുങ്ങൾക്ക് കുടുംബസ്വത്ത് കിട്ടുകയും മറ്റുള്ളവർക്കു കിട്ടാതിരിക്കയും ചെയ്യുന്ന അനീതി പരിഹരിച്ച് കിട്ടുന്ന കുടുംബത്തിൽ നിന്നുംവീതിച്ചുകിട്ടുന്ന സ്വത്തുക്കൾ എളുപ്പം നശിക്കാനൊ നശിപ്പിക്കാനൊ സാധിക്കാതെ വരുന്നു. താന്തോന്നിഭാഗത്താൽ ക്രൂരതൽ കാരണവന്മാരെ സൃഷ്ടിക്കുമെന്നുള്ള ദോഷത്തിന് പരിഹാരമുണ്ടാകുന്നു. അമ്മക്കും കുഞ്ഞുങ്ങൾക്കും ഉള്ള സ്വത്തിനെ ഒന്നായി അമ്മയെ ഏല്പിക്കുന്നതായാൽ ഇങ്ങനെ ഉള്ള പലേഗുണങ്ങളും ഉള്ളതാണ്. കുടുംബത്തിലെ മറ്റംഗങ്ങൾക്ക് ഭാഗിച്ചു കൊടുക്കുന്ന സ്വത്തിൽ അവർക്ക് കിട്ടുന്ന ദിവസം മുതൽ മൂപ്പുള്ളും കുട്ടികൾക്കും നിയമത്താൽ അവകാശം സിദ്ധിച്ചിരിക്കേണ്ടതാണ്. നിയമത്തിൽ ഇങ്ങനെ ഉള്ള വ്യവസ്ഥകൾ ഉണ്ടായിരിക്കുന്നതായാൽ നായർസമുദായത്തിന്, അവരുടെ സ്വത്തുക്കളെ അധികമായി നശിപ്പിക്കാതെയും വലുതായ അപജയങ്ങളിൽ ചാടാതേയും, മക്കത്തായത്തിലേക്ക് പ്രവേശിക്കാൻ സാധിക്കുമെന്നാണ് തോന്നുന്നത്. ഈ സംഗതികൾ തൽക്കാലം ഇതിൽ കൂടുതലായി വിസ്തരിക്കണമെന്ന് ഞാൻ ഉദ്ദേശിക്കുന്നില്ല.

നക്കൽബിൽ ഖണ്ഡം 5-ാം വകുപ്പിലെ താൽപര്യപ്രകാരം തറവാട്ടിലെ ഓരോ അംഗത്തിനുമുള്ള നിശ്ചിത ഓഹരിയെ വിധി നടത്തി എടുക്കുന്നതിനും അന്യാധീനപ്പെടുത്തുന്നതിനും അധികാരപ്പെടുത്തിയിരിക്കുന്നു. നായർ കുടുംബങ്ങളെ നശിപ്പിക്കുന്നതിന് ഈ വകുപ്പ് വേണ്ടപോലെ സ

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. T. Kumara Pillai.]

ഹായിക്കുമെന്നുള്ളതിനു സംശയമില്ലാത്തതാണു്. മിസ്റ്റർ. കെ. പി. രാമൻപിള്ളക്കു് സിവിഠംനിയമത്തിലുള്ള സാമർത്ഥ്യവും വക്കീൽപണിയിലുള്ള പഴക്കവും നായർകുഡുംബങ്ങളെപ്പറ്റിയുള്ള അറിവും ഉപയോഗപ്പെടുത്തി സമുദായനന്മക്കായി കൊണ്ടുവന്നിട്ടുള്ള ഈ ബില്ലിൽ ഇങ്ങനെ ഒരു വകുപ്പു എഴുതി ചേർക്കാൻ അദ്ദേഹത്തെ പ്രേരിപ്പിച്ച സംഗതികം എന്തുതന്നെയായിരുന്നാലും അതിൽ ഞാൻ സങ്കടപ്പെടുന്നു. നായർസമുദായത്തിന്റെ രക്ഷയെ കരുതുന്നു എങ്കിൽ ഈ വകുപ്പിനെ ചുവടെ എടുത്തുകളയേണ്ടതു് അത്യാവശ്യമാണു്. നിയമസഭാംഗങ്ങളുടെ ശ്രദ്ധ ഈ സംഗതിയിൽ പ്രത്യേകം പതിയുമെന്നു് ഞാൻ വിശ്വസിക്കുന്നു.

തറവാട്ടം അതിന്റെ ഭരണവും എന്നുള്ള ആറാംഅദ്ധ്യായത്തെപ്പറ്റി രണ്ടു വാക്കു പറയേണ്ടതായിരിക്കുന്നു. ഇതിൽ 4 6, 7 വകുപ്പുകളിൽ തറവാട്ടിലെ വരവു ചിലവുകഠംക്കും സ്ഥാവര ജംഗമസ്വത്തുക്കഠംക്കും കാരണവന്മാർ കണക്കുകഠം വെയ്ക്കേണ്ട കാര്യങ്ങളും അനന്തിരവരുടെ പരിശോധനാധികാരങ്ങളും വിവരിച്ചിരിക്കുന്നു. 8-ാം വകുപ്പിനെ താല്പര്യമനുസരിച്ചു് അവിഭക്തതറവാടുകളായി വെച്ചു കൊണ്ടിരിക്കുന്നവയെ ഉദ്ദേശിച്ചു് ഈ വകുപ്പുകഠം കൂട്ടി ചേർത്തിട്ടുള്ളതായിരിക്കാം. ഒരു തറവാട്ടിലെ പ്രായപൂർത്തിയുള്ള എല്ലാ അംഗങ്ങളും അപേക്ഷിക്കുന്നതായാൽ മാത്രമെ അവിഭക്തകുഡുംബമായി വെച്ചുകൊണ്ടിരിക്കാൻ സാധിക്കയുള്ളൂ. കുഡുംബത്തിൽ പ്രായപൂർത്തി വന്നിട്ടുള്ള എല്ലാ അംഗങ്ങളും യോജിച്ചും പൂർണ്ണമായി വിശ്വസിച്ചും തറവാട്ടിനെ ഒരു കാരണവനിൽ ഭരമേല്പിക്കുന്നതായാൽ അനന്തിരവക്കു ഈ അധികാരം അത്യാവശ്യമില്ലാത്തതാണു്. എന്നു തന്നെയല്ല അവിഭാജ്യമായ തറവാട്ടിലെ ഭരണം ദോഷകരമായി കാണുമ്പോൾ ആഭോഹരിഭാഗം ചോദിക്കാൻ അവകാശമുള്ളതായി കാണുന്ന സ്ഥിതിക്കു് ഭരണകാര്യങ്ങളിൽ അനന്തിരവരുടെ ഈ പ്രവേശനം ഒരിക്കലും ശുഭമായി തീരുന്നതല്ല. കാരണവരുടെ കണക്കുകഠം പരിശോധിക്കുന്ന അധികാരം നിയമത്താൽ അനന്തിരവക്കു കൊടുക്കുന്നപക്ഷം ചിങ്ങമാസം തിരുവോണദിവസവും മേടമാസം വിഷുദിവസവും അതിലേക്കു് അവർ പുറപ്പെട്ടു എന്നു് വരുന്നതാണു്. കാരണവനോടു് കണക്കു വെയ്ക്കാൻ നിയമപ്രകാരം നിർബന്ധിക്കുന്നതുകൊണ്ടു് കുഡുംബത്തിനു് എത്രത്തോളം രക്ഷയുണ്ടായി തീരുമെന്നുള്ളതു് എനിക്കു സംശയമായിരിക്കുന്നു. സ്വാതന്ത്ര്യത്തിനെ ആഗ്രഹിക്കുന്നതായ ഈ കാലത്തു അനന്തിരവരുടെ ശാസനകഠംക്കു കീഴടങ്ങി അനേക

LIBRARY ARCHIVES Kerala Legislative Assembly

ബുദ്ധിമുട്ടുകളും സങ്കടങ്ങളും അനുഭവിച്ച് കുടുംബഭരണം നടത്താനുള്ള കാരണവന്മാരെ കിട്ടുമെന്ന് തോന്നുന്നില്ല. ഈ വകുപ്പുകൾകൊണ്ട് അവിഭാജ്യമായ കുടുംബങ്ങളും അതു ഭരിക്കാനുള്ള കാരണവന്മാരും ഉണ്ടാകാതിരിക്കണമെന്നുള്ള ഉദ്ദേശം ബില്ലിന്റെ കർത്താവിന് ഉള്ളതായി തോന്നിപ്പോകുന്നു.

മരണശാസനപ്രകാരമല്ലാത്ത പിൻതുടർച്ചാവകാശത്തെപ്പറ്റി പറയുന്ന നാലാം അദ്ധ്യായത്തിൽ ഫ്രം-ബീ വകുപ്പിനെപ്പറ്റി ചില മെമ്പർമാരിൽ നിന്ന് എതിർവാദമുണ്ടായിരിക്കുന്നു. അതിനെപ്പറ്റി സംക്ഷേപം ചിലതു പറയാതിരിക്കാൻ നിവൃത്തിയില്ല. നായർ സ്ത്രീകളെ നായന്മാരല്ലാത്ത പുരുഷന്മാർ വിവാഹം ചെയ്യുന്നതു തെക്കൻ തിരുവിതാംകൂറിൽ അപൂർവ്വമായിട്ടാണ് കണ്ടുവരുന്നതു്. ഈ നടപ്പു വടക്കൻ തിരുവിതാംകൂറിൽ ധാരാളം ഉള്ളതായികാണുന്നു. ഇങ്ങനെ ഉള്ള വിവാഹങ്ങളിൽ നായന്മാരല്ലാത്ത പുരുഷന്മാരിൽ പലരും അവരുടെകടമകളെവേണ്ടപോലെ അറിയുകയും നായർഭാര്യയേയും കുട്ടികളേയും വാത്സല്യപൂർവ്വം പരിപാലിച്ച് അവക്ക് ധാരാളം സ്വത്തുകൊടുത്തുവരികയും ചെയ്യുന്നുണ്ടെന്നുള്ളതു് ആരും സമ്മതിക്കുന്നതാണ്. എന്നിരുന്നിട്ടും, ഫ്രം-ബീ വകുപ്പിൽ പറയുന്നപ്രകാരം അവരുടെ സ്വയാർജ്ജിതമോ പ്രത്യേകമോ ആയ സ്വത്തിൽ ഒന്നുപോകുതിയോ അവിഭക്തകുടുംബാവകാശികൾ ഇല്ലാത്തപക്ഷം മുഴുവൻസ്വത്തുമോ, നായർ ഭാര്യയ്ക്കും കുട്ടികൾക്കും കിട്ടാനുള്ള വ്യവസ്ഥയെ നിയമരൂപത്തിൽ കൊണ്ടുവരുന്നതിനെപ്പറ്റി ആക്ഷേപിക്കുന്നതു് ഒരിക്കലും ന്യായമായിട്ടുള്ളതല്ല. നായർ സമുദായത്തിനു നിയമമുണ്ടാക്കുമ്പോൾ മറ്റു സമുദായങ്ങൾക്കു നടപ്പിനാൽ കിട്ടീട്ടുള്ള അവകാശത്തെ ബാധിക്കാൻ പാടില്ലെന്നാണ് വാദിക്കുന്നതു്. ഈ വാദത്തിനു് ന്യായമായ ഒരടിസ്ഥാനവും കല്പിക്കാൻ തരമില്ലാതിരിക്കുന്നു. നായർ സമുദായത്തിന്റെ രക്ഷയെ പുരസ്കരിച്ചു നിയമമുണ്ടാക്കുമ്പോൾ നായർ സ്ത്രീകളുമായുള്ള വിവാഹബന്ധത്തിൽ മറ്റു സമുദായാംഗങ്ങളിൽ ആർക്കെങ്കിലും കെട്ടുപെടാൻ സമ്മതമില്ലാത്തപക്ഷം അവർക്ക് അതിൽനിന്നും പിൻമാറിനിന്നുകൊള്ളാവുന്നതാണ്. അതിനു് തയാറില്ലെന്നു ശഠിക്കുകയും നായന്മാരുടെ വിവാഹബന്ധം മറ്റുസമുദായങ്ങളുടെ സുഖാനുഭവങ്ങൾക്കുവേണ്ടി എല്ലാക്കാലവും അയഞ്ഞുതന്നെയിരിക്കണമെന്നു പറകയും ചെയ്യുന്ന അഭിപ്രായം ഒരിക്കലും സ്വീകാരയോഗ്യമായിട്ടുള്ളതല്ല. ഒരു വലിയതുക ശമ്പളം വാങ്ങുന്ന ഒരു ഉദ്യോഗസ്ഥൻ അതിൽനിന്നും ചിലവു കഴിച്ചുണ്ടാക്കുന്ന സമ്പാദ്യം സ്വന്തസമ്പാദ്യമാണോ എന്നു മിസ്റ്റർ രാജരാജവർമ്മാവിനോടു് മിസ്റ്റർ ടി. കെ. വേലുപ്പിള്ള ചോദിച്ചതിനു് അ

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. C. P. Kochukunju Pillai.]

തു് കുഡുംബസ്ഥത്തെന്നാണ് അദ്ദേഹം മുപടിപറഞ്ഞിട്ടുള്ളതു്. ഈ സ്ഥിതിയിൽ അവക്കു സ്വന്ത നായർഭാര്യക്കും കുട്ടികൾക്കും വല്ലസ്വത്തും കൊടുക്കുന്നതിനൊ വല്ലസമ്പാദ്യമുണ്ടാകുന്നതിനോ മാർഗ്ഗമില്ലാതെയാണിരിക്കുന്നതു്. സ്വന്തസമ്പാദ്യത്തെസംബന്ധിച്ചു് ഇങ്ങനെ ഉള്ള നിയമം വെച്ചുകൊണ്ടിരിക്കുന്ന് നായന്മാരല്ലാത്തവക്കു നായർ സ്ത്രീകളെ വിവാഹം ചെയ്തുകൊടുക്കുന്നതു് സമുദായാഭിമാനത്തിനും രക്ഷക്കും വേണ്ടി അനുവദിക്കാൻ പാടില്ലാത്തതാണു്. ഭർത്താവെന്നുള്ള പേരിനും അതിൽനിന്നുള്ള കുട്ടികൾക്കുവേണ്ടിയുംമാത്രം നായരല്ലാത്ത ഒരാളെ, വിവാഹംചെയ്കയും സാമുദായികമായി തുല്യനിലയിലല്ലാതിരിക്കയും ചെയ്യുന്നഅവസ്ഥ നായർ സമുദായം തുടർന്നുകൊണ്ടിരിക്കേണ്ട ആവശ്യമില്ലാത്തതാണു്. എല്ലാറ്റിനും പുറമെ വിശേഷതരമായി മിസ്റ്റർ. എം. രാജരാജവർമ്മ മറ്റൊരുസംഗതിക്കുടി പറയുന്നതു നായർ സ്ത്രീകൾഅവരെ അന്വേഷിച്ചു് എത്തുന്നുഎന്നാണു്. ഇങ്ങനെ ഒരു സംഗതി ഇതിനുമുമ്പു കേൾക്കാൻ ഇടയായിട്ടില്ല. അദ്ദേഹത്തിന്റെ അനുഭവം ഇങ്ങനെഒരു ദൃഷ്ടാന്തത്തിനു് ഇടയാക്കീട്ടുണ്ടെന്നു് തോന്നുന്നില്ല. നേരെമറിച്ചു് നായരല്ലാത്ത ചിലർ സ്വത്തുള്ള നായർ കുഡുംബങ്ങളിൽ കടന്നുകൂടിഅവിടെയുള്ള സ്ത്രീകളെ വിവാഹം ചെയ്തു അവരുടെസകലചിലവുകളും അവിടെനിന്നും നിർവ്വഹിച്ചു് ആ കുഡുംബങ്ങളിൽ സ്വത്തില്ലാതാക്കി ക്ഷയിപ്പിച്ചിട്ടുള്ള ദൃഷ്ടാന്തങ്ങൾ പലതും പലർക്കും അറിയാവുന്നതാണു്. ഈ ദുരിതാവസ്ഥയിൽനിന്നും നായർ കുഡുംബങ്ങൾ രക്ഷപ്രാപിക്കേണ്ടകാലം അതിക്രമിച്ചിരിക്കുന്നു. ഇതിലേക്കായിട്ടെങ്കിലും നായർ സമുദായം മക്കത്തായികളാവാൻ കഴിയും വിധം ശ്രമിക്കേണ്ടതാണു്. അതിലേക്കു് സമുദായാംഗങ്ങൾ വേണ്ടപോലെ ശ്രമിക്കുമെന്നു് വിശ്വസിക്കുന്നു.

MR. C. P. KOCHUKUNJU PILLAI: Sir, the main points in the amendments proposed to be made in the existing Nair Regulation and about which contentions are going on in this House are with regard to (i) partition, (ii) the introduction of monogamy, and (iii) succession to the properties of a non-Nair intestate.

On an examination of the present conditions of Nair *tarwads*, it has been established and admitted by all that a change in the system of *marumakkathayam* as it now exists has become inevitable and that as such the existing Nair Regulation stands in need of amendment in that line. Peaceful and undisturbed possession and enjoyment of *tarwad* properties by the *karanavan* and *anandaravars* jointly and that to the benefit of the common *tarwad* have become an utter impossibility. Unison or mutual affection and confidence among members of a *tarwad* is totally

LIBRARY ARCHIVES Kerala Legislative Assembly

absent at present. Joint labour or look-out in the matter of improving *tarwad* properties for the common welfare of the *tarwad* is also impossible. The education of boys and girls in Nair *tarwads* at the expense of the *karanavan* from *tarwad* funds cannot now be had. No *karanavan* of the present day is found to be earning for the sake of the *tarwad*. On the other hand, he is found to be incurring debts for which *tarwad* properties are liable if the *anandaravars* do not succeed in getting a declaration through courts to the contrary. Our civil courts are flooded with *tarwad* suits of all kinds and in criminal courts also cases between the members of the same *tarwads* are very many in number. Many family agreements (കുടുംബഉടമ്പടി) providing for separate living and separate enjoyment of properties allotted for maintenance have also been brought into existence.

Lastly, I am afraid, Sir, whether the evils of the system of *marumakkathayam* have not gone even to the extent of retarding the natural growth of the Nair population in the State. According to the last census, the increase of population among Nairs proper is 9·9 per cent. only, while the total population has increased by 19·4 per cent., Christians have increased by 29·8 per cent., and Ezhavas by 23·3 per cent. I have been thinking of the real cause of this low percentage in the increase and what has struck me is this. Formerly, when the principle of *marumakkathayam* was working satisfactorily, *i. e.*, at a time when the *karanavan*, his brothers and sisters and nephews, were living together amicably under the command of the *karan van*, as Dr. Kunjan Pillai put it, and when the daughter of a *karanavan* was married to his nephew and his niece to his son, the *karanavan* was selecting a wife for the *anandaravan*. He was spending for his marriage and was maintaining the *anandaravan* and his wife and children. So, at that time, marriages were conducted in proper time and there was no necessity for putting off marriages for lack of funds. Later on, the relationship between the *karanavans* and *anandaravans* became strained and the *anandaravans* for want of funds could not conduct marriages at the proper time and had necessarily to wait and put off marriages. This, I think, must be the main cause of the decline in the normal growth of population referred to. So, I submit, Sir, this system of *marumakkathayam* has been working mischief in all directions and as such it cannot be allowed to continue any more.

As regards the question whether *thavazhee* or individual partition will suit the community at present, I submit that I am in favour of individual partition. I am at a loss to understand how the system of *marumakkathayam*, which is found to be detrimental to the interests of a common *tarwad*, can be given a place again in a branch *tarwad* created by *thavazhee* partition. The evils and disadvantages which a common *karanavan* would encounter in the working of the system of *marumakkathayam* must necessarily exist in the case of a *thavazhee* or sub-*tarwad* as well, so long as there is a *karanavan* there also. I cannot understand how a system which could not work satisfactorily in the common *tarwad* consisting of a common *karanavan*, his brothers, sisters and nephews

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. C. P. Kochukunju Pillai.]

can work satisfactorily in a *thavazhee* or sub-*tarwad* consisting of another *karanavan*, his brother, sisters and nephews. Again, it is many years since the several *thavazhees* of many of our Nair *tarwads* began to enjoy properties separately and to live separately according to family agreements executed for the purpose. In most of the Nair *tarwads*, such family agreements do now exist.

So, for all practical purposes, we are at present enjoying *thavazhee* partition except in the fact that the *thavazhees* have not got the right of alienation of properties. Yet we are not satisfied because we are not relieved of the evils of the *marumakkathayan* system. Every day, Sir, we must invite civil and criminal cases between the members of the same *thavazhee*, nay even between the children of the same mother and father. So, Sir, when the several *thavazhees* are quarrelling with each other, a partition into *thavazhees* is desirable and when the several members of the same *thavazhee* are quarrelling, individual partition is the only natural solution, subject, of course, to the necessary protection which may be kept in view to remove immediate evils to which the community may be driven as apprehended. It is, therefore, Sir, that individual partition is urged in this Council.

Coming to the question of monogamy, I have to submit that I accept the principle of monogamy and I believe that nobody will object to it. But I doubt whether there is any necessity for introducing the same in the regulation. Instances of persons having more wives than one are so very rare that I would consider it unnecessary to have any legislation on the point.

This will only necessitate divorces under certain conditions. If the wife happens to be sickly and barren for no fault of hers or owing to any natural defect, the husband is bound to effect a divorce and then alone marry another. This is really sinful because the first wife, an innocent poor woman, will be driven to helplessness.

All Nair members who have spoken were of opinion that the provision in the bill relating to intestate succession to the property of a non-Nair husband or father should stand, while all the non-Nair members except Mr. Nidiry spoke against the same. The status of a wife is undoubtedly the status of her husband, and I do not see how or why any distinction can be made in this matter and why equal privileges cannot be extended to the Nair wife and children also, so long as she is also a legal wife. Again, Mr. Krishna Aiyangar forgets the sad fate of such children as are not allowed to inherit their father's estate *for no fault of theirs*, while his cousins in the same family would inherit their Nair father's properties by law. It is argued by some that non-Nairs who began to marry Nair ladies at the outset never meant that such a law would in future bind them. I must say that the same is the position of a Nair father also. He too was not bound at first by law to leave properties to be inherited by his children. But the course of events has necessitated such a change. Therefore it is not fair and reasonable to say that one

LIBRARY ARCHIVES Kerala Legislative Assembly

set of children of a non-Nair father should inherit and that another set of his children by a Nair wife should not inherit.

Mr. Krishna Aiyangar seems to ignore the existence of non-Nairs who can marry Nair ladies alone and also those who do not marry their caste-ladies. Should not the regulation contain a provision with regard to them in the matter of intestate succession?

Certain other suggestions which I have to make with regard to the other sections of the bill I reserve. With these few observations, I accept the principle of the bill, as I said at the outset.

MR. V. KUNJUKRISHNA PILLAI: Sir, I will be failing in my duty if I do not make any observations regarding the Nair Regulation Amendment Bill. In supporting the bill, I wish to make only one or two observations. Of course, concerning intestate succession and partition, there may be differences of opinion. Anyhow, I heartily congratulate Mr. K. P. Raman Pillai for retaining the "impartible *tarwad*" system in the bill in chapter VIII and thereby allowing the conservative *marumakkathayees* to continue their old system. Then, in the chapter on dissolution of marriage, I would advocate that a husband or a wife should not be so easily allowed to dissolve the marriage tie without sufficient grounds. The present system gives ample scope for a disobedient wife to run up to a civil court to get her marriage tie dissolved. So, this should be restricted a little. And then in the chapter on intestate succession, if the intestate is a non-Nair, his self-acquired and separate property should be divided equally among the Nair and non-Nair heirs, instead of giving one-half of the property alone to the Nair children. With these few observations, I support the bill.

MR. TRIVIKRAMAR VASUDEVAR: ഒരു സമുദായത്തിന്റെ പരിരക്ഷയ്ക്കായി ആ സമുദായത്തിലെ ഭൂരിപക്ഷാംഗങ്ങളും ആവശ്യപ്പെടുന്ന ഒരു നിയമം നടപ്പിലാക്കുന്നതിൽ ആക്ഷേപം വൈമുഖ്യത്തിനവകാശമില്ല. എന്നാൽ സ്വസമുദായത്തിന്റെ ക്ഷേമത്തെക്കരുതി ചെയ്യുന്ന നിയമനിർമ്മിതി അന്യസമുദായക്കാരെ അസ്വതന്ത്രരാക്കാതെ സൂക്ഷിക്കേണ്ടതു് നിയമകർത്താക്കളുടെ കടമയാകുന്നു. ഇപ്പോഴം അവതരിപ്പിക്കപ്പെട്ടിരിക്കുന്ന "നായർ റഗുലേഷൻ ഭേദഗതിബിൽ" ഈ പ്രമാണത്തെ വിസ്മരിച്ചിരിക്കുന്നു. പ്രകൃതബിൽ, ഒന്നാംവകുപ്പു് വ്യാഖ്യാനിക്കൊണ്ടു്, നായന്മാരല്ലാത്തവരേയും ബാധിക്കുന്നതായി കാണുന്നു. "നായർബിൽ" എന്ന നാമകരണം ചെയ്യപ്പെട്ടിരിക്കുന്ന ഈ നിയമം നായന്മാരെമാത്രം സംബന്ധിക്കുന്ന ഒന്നാണെങ്കിൽ ഇതിനെ പ്രതിക്ഷേപിക്കേണ്ട ആവശ്യം ഇതരന്മാർക്കു നേരിടുകയില്ലായിരുന്നു.

നായർ സ്ത്രീകളെ ഭാര്യമാരാക്കുന്ന എല്ലാ ജാതിക്കാരേയും ഈ ബിൽ ബന്ധിക്കുന്നു. നായന്മാരിൽ ഉൾപ്പെട്ടവരെന്നു പറയപ്പെടുന്ന ചില വർഗ്ഗക്കാരെ ബില്ലിന്റെ പരിധിയിൽ ഉൾപ്പെടുത്തിക്കാണുന്നുമില്ല.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Trivikramar Vasudevar.]

നായന്മാരിൽ ഏതു ഉപജാതിവിഭാഗങ്ങളിലുൾപ്പെട്ടവരെയാണും ഇതിൽ ചേർക്കുകയും വിളക്കിത്തലനായർ, വെളുത്തേടത്തുനായർ മുതലായി മരുമക്കത്തായികളും നായന്മാരെന്നഭിമാനിക്കുന്നവരുമായ മറ്റനേകം ഉപശാഖകളെ വിസ്മരിക്കയും ചെയ്തിരിക്കുന്നു. ഈ ഭിന്നശാഖകളിലുൾപ്പെട്ട നായന്മാരുടെ ഭൂരിപക്ഷസമ്മതത്തോടുകൂടിയാണ് ഈ ബിൽ കൊണ്ടുവരപ്പെട്ടിട്ടുള്ളതെന്നു വിചാരിക്കാൻ നിവൃത്തിയില്ല. പിന്നെ ബിൽ അന്യസമുദായങ്ങളെ ഘടിപ്പിക്കുന്നു എങ്കിൽ അവരുടെ അഭിപ്രായം മുൻകൂട്ടി അറിയേണ്ടതാണ്. മാമൂൽപ്രകാരം നായർസ്ത്രീകളെ ഭാര്യമാരാക്കുന്നവരായി നായന്മാരല്ലാത്ത മലയാളികളും പരദേശികളുമായ ബ്രാഹ്മണർ, മഹാരാഷ്ട്രർ, സാരസ്വതർ, ഇളയതു്, നമ്പ്യാതി, മൂത്തതു്, ഉണ്ണി, വാര്യർ, നമ്പ്യാർ, ചാക്യാർ, വെള്ളാളർ, സാമന്തർ, ക്ഷത്രിയർ മുതലായി പല വർഗ്ഗക്കാർ ഉണ്ടു്. ഇവരിൽ ആരുടേയെങ്കിലും സമ്മതം ഈ ബില്ലിനു ലഭിച്ചിട്ടുണ്ടെന്നു വിചാരിക്കാൻ വയ്യാ. ഈ ജാതിക്കാരിൽനിന്നു പലരും നായന്മാരുടെ സ്ത്രീകളെ ഭാര്യമാരായി സ്വീകരിക്കയോ നായർ സ്ത്രീകൾ ഈ ജാതികളിലുൾപ്പെട്ട പുരുഷന്മാരെ ഭർത്താക്കന്മാരായി സ്വീകരിക്കയോ ചെയ്തിട്ടുണ്ടു്. അങ്ങനെ ചെയ്തിട്ടുള്ളതു് ഇപ്പോൾ അവതരിക്കപ്പെട്ടിട്ടുള്ള ബില്ലിൽ നായർ സ്ത്രീകളുടെ ഭർത്താക്കന്മാർക്കു കല്പിക്കപ്പെട്ടിട്ടുള്ള ചുമതലകൾ വഹിക്കണമെന്നോ വഹിച്ചുകൊള്ളാമെന്നോ ഉള്ള പരസ്പരധാരണയോടുകൂടിയുമല്ല. ബ്രാഹ്മണർ തുടങ്ങിയ ജാതിക്കാർക്കു് വേണ്ടവിധം ചിലവിനു കൊടുത്തു സ്വകുടുംബങ്ങളിലെ സ്ത്രീകളുടെ ഭർത്താക്കന്മാരായി സ്വീകരിക്കുന്ന നടപ്പു് പല നായർകുടുംബങ്ങളിലും പുരാതനമായി ഉണ്ടായിരുന്നതാണു്. ഇപ്പോഴും ആ സമ്പ്രദായം ചില ദിക്കുകളിൽ നടപ്പിലിരിക്കുന്നു. നായന്മാരുടെ നിരാക്ഷേപമായ അഭിലാഷത്തെ ആദരിച്ചു് അവരുടെ സ്ത്രീകളെ ഭാര്യാസ്ഥാനത്തിൽ കൈക്കൊണ്ടിട്ടുള്ള അത്തരക്കാരെ ഈ ബില്ലുകൊണ്ടു കൂട്ടുക്കുന്നതു് ഒരു ചതിയാണെന്നാണു് എന്റെ അഭിപ്രായം.

MR. T. K. VELU PILLAI: ഞാൻ ഒരു ചോദ്യം ചോദിക്കുന്നതിനാഗ്രഹിക്കുന്നു. മിസ്റ്റർ പോററി, നായന്മാക്കു നായർ ഭാര്യമാർ ഉള്ളതിനെപ്പററിയൊ അതല്ല നായന്മാരല്ലാത്തവക്കു നായർ ഭാര്യമാർ ഉള്ളതിനെപ്പററിയോ, ഏതാണു് പറയുന്നതു്?

MR. TRIVIKRAMAR VASUDEVAR: മര്യാദക്കാരായ എല്ലാ നായന്മാരല്ലാത്ത ജാതികളിൽപെട്ടിട്ടുള്ളവരും സാധാരണമായി അവരവരു

LIBRARY ARCHIVES Kerala Legislative Assembly

ടെ ജാതിയിൽനിന്ന മാത്രമേ വിവാഹം ചെയ്യാവുള്ളൂ. എന്നാൽ നായർ സ്ത്രീകളാൽ ഇവർ വിവാഹം ചെയ്യപ്പെട്ട ദൃഷ്ടാന്തങ്ങളും ഉണ്ട്. ഈ ചോദ്യത്തിനു വ്യക്തമായ ഒരു ഉത്തരം പറയുന്നതു പ്രയാസമാണ്.

Mr. T. K. VELU PILLAI: മിസ്റ്റർ പോററിയോട് ഒരു ചോദ്യം കൂടെ ചോദിച്ചുകൊള്ളുന്നു. വിളക്കത്തലവന്മാരേക്കൂടി നായന്മാരുടെ കൂട്ടത്തിൽ അദ്ദേഹം കൂട്ടീട്ടുണ്ടോ എന്ന് എനിക്കറിഞ്ഞാൽ കൊള്ളാം.

Mr. TRIVIKRAMAR VASUDEVAR: ഉണ്ട്.

Mr. P. K. NARAYANA PILLAI: ബ്രാഹ്മണരിൽ ആരെങ്കിലും അവരുടേ ഇടയിൽനിന്ന വിവാഹം ചെയ്തിട്ടുണ്ടോ?

Mr. TRIVIKRAMAR VASUDEVAR: അത എനിക്കു അറിഞ്ഞുകൂടാ. ഗവർൺമെൻറിൽനിന്ന വിളക്കത്തലവന്മാരേക്കൂടി നായന്മാരുടെ കൂട്ടത്തിൽ കൂട്ടീട്ടുണ്ട്. ഈ ബില്ലിൽ അവരേക്കൂടി ചേർക്കണമെന്നു മാത്രമേ ഞാൻ പറയുന്നുള്ളൂ.

Mr. G. PARAMESVARAN PILLAI: അപ്രകാരം ചെയ്യണമെന്ന് അവർ മിസ്റ്റർ പോററിയോടു അപേക്ഷിച്ചിട്ടുണ്ടോ?

Mr. TRIVIKRAMAR VASUDEVAR: ഉണ്ട്.

Mr. K. P. RAMAN PILLAI: മിസ്റ്റർ പോററി വിളക്കത്തലവന്മാരെ നായന്മാരായി വിചാരിക്കുന്നതുപോലെതന്നെ, പൂണൂലുള്ള എല്ലാ ആളുകളേയും ബ്രാഹ്മണരായി കരുതുന്നുണ്ടോ എന്ന് എനിക്കറിഞ്ഞാൽ കൊള്ളാം.

Mr. TRIVIKRAMAR VASUDEVAR: മുതലവകാശത്തെ സംബന്ധിച്ചിടത്തോളം ഓരോ സമുദായത്തേയും ഭരിക്കുന്ന നിയമങ്ങൾ ഇപ്പോൾ അതതു സമുദായങ്ങൾക്കുണ്ട്. ആ നിയമങ്ങളിലുൾപ്പെട്ടും അതിന് അധീനരായും ജീവിക്കുന്ന സമുദായങ്ങളെ മറെറാരു നിയമത്തിനുകൂടി അധീനരാക്കുന്നതു് അക്രമമാണു. നായർ സമുദായത്തിന് അന്യസമുദായക്കാരുമായി ബന്ധം വിവാഹത്താൽ മേലാൽ ആവശ്യമില്ലെന്നു നിയമം ചെയ്യുകയാണെങ്കിൽ അതിനെ ആദ്യമായി പിൻതാങ്ങുന്നതു ഞാനായിരിക്കും. അങ്ങനെ ചെയ്യുന്നതു് ആ സമുദായത്തിനു കൂടുതൽ അഭിമാനകരമായിരിക്കയും ചെയ്യും. ഇപ്പോൾ അവതരിപ്പിക്കപ്പെട്ടിരിക്കുന്നതുപോലെ പല സമുദായങ്ങളേയും ഉൾപ്പെടുത്തി ഒരു സമുദായത്തിൻെറ രക്ഷയേമാത്രം അവലംബിച്ചുകൊണ്ടുള്ള ഒരു നിയമം ലോകത്തിൽ മറെറവിടെയെങ്കിലും ഉള്ളതായോ ഉണ്ടാവാൻ ഇടയുള്ളതായോ ഞാൻ അറിയുന്നില്ല.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Rev. Fr. Kuriakose Vettikkapalli:]

അതിനാൽ നായർസ്ത്രീയെ നായരല്ലാത്ത ഒരാം വിവാഹം ചെയ്യുന്ന എങ്കിൽ ആ വിവാഹം നടക്കുന്നതിനുമുമ്പ് ഏതേതുവിധത്തിലാണ് സ്വതന്ത്രവകാശം സംബന്ധിച്ച തങ്ങൾ അനുവദിക്കാൻ സമ്മതിക്കുന്നത് എന്നുള്ളതിനു രേഖാമൂലമായ ഒരു ഉടമ്പടി ഉണ്ടാകണം. അങ്ങനെ ഒരു ഉടമ്പടിയിൽ ഉൾപ്പെട്ടാലല്ലാതെ ഒരു നായർസ്ത്രീയും നായരല്ലാത്ത ഒരു പുരുഷനും തമ്മിലുള്ള ദാമ്പത്യബന്ധം നിയമപ്രകാരം സാധുവായി ഗണിക്കാൻ പാടുള്ളതല്ല.

നായന്മാരുടെ ഇടയിൽ ഇപ്പോഴത്തെ യുവജനങ്ങളുടെ അഭിലാഷം ആസ്തീതം ഭാഗം കിട്ടണമെന്നാണ്. നായർ നിയമകർത്താക്കളുടെ അഭിമതവും അങ്ങോട്ടാണ് ചായുകാണുന്നത്. അതിനാൽ ആസ്തീതം ഭാഗവും മക്കത്തായവും അനുവദിക്കുന്നതും അന്യജാതിക്കാരുമായി ദാമ്പത്യബന്ധം അനുവദിക്കാത്തതുമായ ഒരു നിയമമാണ് നായർ സമുദായത്തിനേറയും അവരുമായി ഇപ്പോൾ വിവാഹബന്ധമുള്ള മറ്റു ജാതിക്കാരുടേയും ഭാവിക്ഷേമൈശ്വര്യങ്ങൾക്കാവശ്യം. ആ ആവശ്യങ്ങളെ സാധിക്കുന്നതിനു പര്യാപ്തമല്ലാത്ത പ്രസ്തുത ബില്ലിനെ അനുകൂലിക്കുവാൻ ഞാൻ മാത്രം കാണുന്നില്ല.

REV. FR. KURIAKOSE VETTIKKAPALLI: Sir, it is matter for congratulation that the author of the Nair Regulation Amendment Bill has made a big advance forward in the matter of religious liberty by deleting those objectionable clauses that stood in its way in the old bill. Last week, some of the members of this House tried their best to get a similar objectionable clause removed from the Ezhava Bill, but without success. In this twentieth century—a century of freedom of thought and liberty of conscience—I do not think that a clause of this kind would be an ornament to any bill. It would really be a stain on it. It is fervently hoped that the Select Committee's deliberations will be on the same lines.

I beg to add a word on the subject of dissolution of marriage. As has been clearly said by many of the members who spoke before me, no proof is necessary to show that divorce has been one of the greatest curses of society. The vow taken by the contracting parties at the time of the marital union, whether we consider it a sacrament or not, is admittedly a solemn one. The dissolution of such a sacred tie is bound to bring to family and society endless misery. It is a sign of the times that very few members of the community resort to divorce courts. Divorce is bad enough under all circumstances; and to make it easy, as the proposed bill seeks to do, is to cause disruption to the necessary peace and harmony, and cannot, in any way, be conducive to the best interests of the community. I, therefore, suggest that this aspect of matrimony

LIBRARY ARCHIVES Kerala Legislative Assembly

and the great responsibility it imposes should be before the eyes of the Select Committee.

As regards monogamy, I fail to understand the logic of those who condemn polyandry and at the same time advocate polygamy. If one is bad, the other is equally bad. So I think both should be equally condemned.

MR. JOSEPH PANJIKARAN: Sir, it is with a sense of great responsibility that I rise to make a few observations on this important measure before the House.

PRESIDENT: Will you kindly speak a little louder?

MR. JOSEPH PANJIKARAN: The *makkathayam* system of inheritance, as it is obtaining to-day in the Nair community, has certainly outlived the purpose which it was intended to serve. Very few families now-a-days can be found where the members are contented and happy, whatever may have been the condition of affairs in days of yore. What we see to-day is the *karanavan* on the one side with the *anandaravans* ranged on the opposite side, and a regular warfare going on between the two factions. Neither the *karanavan* nor the *anandaravan* takes any care about the welfare of the *tarwad* as a whole. They both try to misappropriate for themselves as much income as possible from the *tarwad* properties. The result is that the female members of the *tarwad*, who are not so forward as the male members, do really suffer. I think there will be no two opinions when I say that a more unsatisfactory condition of joint family life cannot be imagined. The bill before the House seeks to remedy this evil. It proposes individual partition of all the *tarwad* properties as the remedial course to be adopted. Certainly, individual partition has its advantages. It will strike at the root of the evils of the *marumakkathayam* system to a very great extent. The evils arising from mismanagement and also from the misunderstandings between the *karanavan* and the *anandaravans* will disappear. Not only that; it will certainly bring individual credit to the junior male members of Nair *tarwads*. Individual credit is what the junior male members of Nair *tarwads* are to-day very much lacking in. No man will be prepared to advance a pie to a junior member of a Nair *tarwad* unless he is possessed of separate funds. In the fields of commerce and industry, his credit is *nil*. His energy, push and capacity lie buried without advantage to himself and to the community and country to which he belongs. Individual partition, in so far as it will remedy these evils, is certainly very wholesome and may be said to solve these problems very satisfactorily. But that is only one side of the picture. There is yet the other side. Is individual partition an unmixed benefit? Are there not evils and disadvantages attending individual partition under the present circumstances of the community? These are questions that ought to engage the serious and anxious consideration of this House and of the responsible members of the Nair community.

The general cry that is heard against any person who says anything against individual partition is that the Christians pull on very

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Joseph Panjikaran.]

well with individual partition. And if it is a Christian who raised his voice against individual partition, then the invariable retort that is heard is: "Why do you deny to another what you hold to be a valuable right to yourself?" That is certainly a pertinent question. But I, for one, think that the circumstances and conditions prevailing in the Christian community are not the same as those in the Nair community at present. I think that there are very many points of difference between the two communities which, while making individual partition in the Christian community benefical, may be to a very great extent injurious to the Nair community, if individual partition is introduced all on a sudden. Under the bill before us, any Nair who has attained the age of eighteen can call upon the senior members—his mother, his brother or anybody else—and say: "Bring me my share; let me do what I like." In the Christian community, the right of individual partition is different. The children, however old they may be, have to live under the command of the father. So long as the father is alive, his children, even if they be aged fifty and sixty, will not have the right to claim individual partition. In the generality of cases, when the sons get their shares of the property, they are above twenty-five, thirty or even forty years of age. This is an important difference which, I think, ought to engage the anxious attention of this House and of the Nair community. Unlike a Christian getting his individual share at the age of thirty or forty and having a wife and three or four children to look after, a Nair youth of eighteen, getting his individual share, may not feel the same responsibility and may not look upon the property in the same light; their angles of vision will be different, and as such this provision will prove at present a great danger to the Nair community.

Then again, the bill before us proposes to divide the property equally among the male and the female members. In the Christian community, the women are entitled only to *stridhanam*. So the number of pieces into which property will be divided in the Nair community will be much greater than in the Christian community, thus rendering the Nair holdings distressingly uneconomic.

Again, under the proposed bill, the property of the Nair will fall a prey to division at shorter intervals, whereas, in the Christian community, as things stand at present, division comes only after longer intervals. Take, for instance, the case of a woman separating from a *tarwad* with five or six children aged seventeen, fifteen, twelve, and so on. The bill would have this property divided into five or six pieces within the space of ten or twelve years. Such divisions the law of individual partition obtaining in the Christian community does not countenance. Frequent partitions and consequent shifting of property from hand to hand during short intervals is dangerous to the country and to the community. For, in my opinion, property, if it is to be of use to the society and to the State, must remain in one hand for a satisfactorily long period of time.

LIBRARY ARCHIVES Kerala Legislative Assembly

There is one more point—and that is the important objection—that I would urge against individual partition. In the Christian community in Travancore, dissolution of marriages is not allowed. But under the bill before us, dissolution of marriage is allowed; only some impediments are thrown in the way of the dissolution. May I ask whether these impediments are sufficient? I am of opinion that they are not sufficiently strong. The result will be, that, in the space of a decade, there will be many marriages that would stand dissolved. What will be the condition of the women who might happen to be the victims of these dissolved marriages? True, they may get something by way of compensation. But where will the woman go with the compensation decree? She has no family house to return to. In the family partition, her right to it has become extinct, and now it belongs to another. I am afraid she will be driven to the streets to shift for herself. I apprehend that there will be a number of Nair ladies who will be thus thrown on society within the space of ten or twenty years after the bill become law. So, if even in spite of the economic evils which attend individual partition, the Nair community is determined in having it, I would very strongly insist that, before they do so, they should provide ample safeguards against ladies being driven into the streets to prey upon society without a home which they may be able to call their own in times of danger. So if you mean to disintegrate the family union, you must be prepared to make a homestead for the women and children. Without this, I think, the community is not right in advocating individual partition. My sincere opinion is that, unless the Nair community attaches greater sacredness to marriage unions, the Nairs are not fit to have individual partition. The rights of women have not been seriously taken into consideration in the bill. Men legislate and women have to obey. If some of the members of this House had been women, I think they would have raised their voices against throwing them away into the streets. I do not want this House to think that I am against individual partition. All that I say is that, if the community want individual partition, let them have it by all means; only, let them be prepared to accept a marriage system under which dissolution would be almost impossible.

Independently of all these considerations and in spite of the agitation in the country for individual partition, may I ask the question whether it is not too hasty and too radical a change? *Thavazhee* partition has never been tried till now. Of course, the general cry that is heard against *thavazhee* partition is that it will be multiplying the number of *karanavans*. Is it so? Is the reply a well-thought out one? I think there would be greater union and concord between a *karanavan* and the members of his own *thavazhee*. As my friend Mr. Kumara Pillai has rightly observed, when a mother and her children live together, the eldest son who would naturally be the *karanavan* would behave more sympathetically to the other members than the common *karanavan* of a *tarwad* of many *sakhas* or branches of varying degrees of relationship. So a *thavazhee* partition, as suggested by Dr. Kunjan Pillai or

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. T. Lakshmana Pillai:]

as laid down in the Ezhava Bill, is worth a trial. From *thavazhee* partition we can move on to individual partition; but once individual partition is granted, there is no coming back to the *thavazhee* system.

One other question, about which there has been much controversy, is as regards the rights of non-Nairs who have marriage ties with Nair females. After listening to the vehement speech of Mr. Kumara Pillai, I thought that no non-Nair would like to have marriage ties with Nair females without bearing the responsibility that the Nair community would like to impose. As suggested by Mr. G. Parameswaran Pillai and Mr. Khadir Pillai, the sooner such a state of affairs is abolished the better it would be for both communities. The non-Nairs seem to think, at least so far as I have been able to gather from the speeches delivered yesterday and to-day, that they have some sort of right over Nair women. (*Laughter.*) I am really surprised at the attitude taken by the non-Nairs in this respect. Nairs have agreed to *sambandhams* taking place between their women and non-Nairs. But this does not, I think, establish a right for non-Nairs to have Nair wives without responsibility. If the two communities agree to continue *sambandhams* of this nature, I shall be the last man to object; but let not the non-Nairs object to the law which the Nair community seeks to impose. (*Hear, hear.*) With these observations, I recommend the bill for the consideration of the Select Committee.

MR. T. LAKSHMANA PILLAI: I am a non-Nair and a layman on questions of Nair inheritance and succession. I cannot enter into the subject under discussion with any show of authority or experience behind me. Perhaps, I may not be considered competent to offer any advice on this communal matter. But even the dullest eyes can perceive spots in the sun. I shall therefore put forward, for the consideration of this Council and of the Select Committee, certain select and practical observations that suggest themselves to me in regard to the vital changes now sought to be brought about in the social life and personal law of the Nair community.

That the *makkathayam* system of inheritance, which is followed by the vast majority of the people all over the globe and which is based upon the natural course of the human emotions that centre round the domestic circle, *viz.*, the natural love between the man and his wife and children, is an attractive and a generally commendable system in itself, may, perhaps, admit of little doubt. However desirable it may be that the Nair community should keep in view this system as the ultimate goal to be reached, yet, in its practical efforts to reach such a goal, the community ought not, in my opinion, to shut its eyes to the various stages that will have to be passed, if it should prove an unmixed good to that community. The Nair community has for incalculable ages in the past been governed by a system of inheritance, which,

LIBRARY ARCHIVES Kerala Legislative Assembly

whatever may be its intrinsic defects, has stood the test of time and, till recently, seemed quite suitable to the habits of life and thought of the people. A certain environment of economic condition has always attended this system.

Before introducing any violent or revolutionary change, I think it is absolutely necessary to take stock of the present economic condition of the Nairs. That the majority of Nair *tarwads* are poor and, in many cases, on the verge of starvation seems to be a fact testified to by many respectable persons, not the least respectable of whom was the late Chief Secretary, Mr. Thanu Pillai, who gave out the opinion thirty years ago. Their condition may not be any better now. Have we got any adequate idea as to how matters would stand if a law like that of individual partition were forced on the people at this stage? It is true that we have some enlightened men who support this partition scheme right through. But have we ever seriously undergone in our own case the terrible experiences of a sudden deprivation? We can of course theorise well on the question of partition. But off with our petty theories and "consecrated cobwebs," if we would have to face starvation in all its hideous nakedness. What is the average income of a normal Nair *tarwad* now? What is the average number of persons that have to be fed in a *tarwad*? If individual partition is to be effected at once, what would be the average value of the property that would fall to the lot of each member? These questions loudly clamour for an answer before the aid of legislation is sought. I am afraid that 90 per cent. would be on the brink of starvation. I am afraid that, when our vision is cleared of the fogs of theory and of a morbid imagination, we shall have to descend from our heights and face a state of things too terrible to think of. Let us not create a national army of men, armed with pauperism, ready to do any desperate act on account of the demon of hunger! Then, again, the lot of the unmarried girls particularly would be an unbearable one on account of this utter helplessness. The lot of the junior male members would, in many cases, be not much better. But, in their case, there is at least the consolation that they are males, though as a matter of fact they would have very little left by way of capital to start any profitable business in life and they would perhaps be little inclined towards agriculture or commerce. These would be hard facts and no amount of sophistical argument or after-repentance can bring a cure. Whatever causes may have led to the present economic distress of the people—and I am prepared to grant that the *marumakkathayam* system of inheritance has itself largely contributed to it, by having taken away the incentive to individual exertion—we, in our eagerness for reform, should not blink present economic conditions entirely out of view, and, in our feverish anxiety for betterment, should not plunge people into an abyss of misery from which not all our ablest legislators put together can ever extricate them. Is pauperism the end we are driving at? Certainly not. What course, then, would wisdom dictate to us at this juncture? Dr. Kunjan Pillai says that, if the Nairs, as a whole, are not to accept *makkathayam* immediately, they will have to go to the old *marumakkathayam* system,

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. T. Lakshmana Pillai.]

I ask, is no middle course possible at present? Let us ponder well. I would first allow *thavazhee* partition. Surely, any method but individual partition which, while it will steer clear of the shoals and quicksands of poverty and humiliation, would take the community decidedly a step nearer the goal, would not be unwelcome. The disease is there and the diagnosis is clear. But surgical operation, where it is not required, may not effect a cure, but only disable the patient still further and for life. What is required, in the first place, is that we should not belittle the existing conditions or hurry in our path of progress. I would say with Bacon: "Tarry a little so that we may make an end the sooner".

Our reforms should, I venture to submit, in the same way as they conform to the natural human emotions, also exactly follow the present wants and wishes of the people, which should be correctly guaged by our investigations and should be neither exaggerated by blind optimism nor minimised by reckless indifference. Legislation, in this case, to be safe, should be permissive rather than compulsory. Here I shall refer to a parallel permissive case though on a different subject. Fancy the happy social customs in Japan where, when the husband dies, the wife is neither forced to remain a widow nor required to remarry. The Japanese recognise the truth that, when a lady wishes in her heart of hearts to remarry, there is absolutely no use in restraining her by any extraneous social rule or law in which she does not believe, and that, when she settles in her own mind to be a widow throughout her life, it is neither equity nor wisdom to force a marriage upon her. So, what they do is to leave the lady to signify her mind by wearing a particular kind or mode of dress; if she wears a coloured dress, she may be wooed and married; and if a white one, she cannot be approached with proffers of marriage. I quote this to show how wise the Japanese are and how they respect the feelings of women. Here we seem to be prepared to sacrifice not only the comfort, but even the wherewithal of woman's maintenance and marriage, by the vision of an individual partition which fires our imagination and which we assume to be good, even though the thing to be partitioned may, in most cases, be next to nothing. We force *makkathayam* on people who do not as yet believe in it. We ride roughshod over people's feelings and rush through the Council legislation for individual partition, forgetting that, as the Tamil proverb goes, "One must sit down before one stretches one's legs." The framers of the old *marumakkathayam* system may be at least congratulated on one thing. They were not pitiless towards women. They only erred the other way.

A father who wishes to bequeath his own self-acquired property to his wife and children may very well be permitted to do so, or his intestate property may descend to them after his death. But, in determining his self-acquired property, account will have to be taken of the fact that he has used up some portion of his *tarwad* income for the purpose

LIBRARY ARCHIVES Kerala Legislative Assembly

of his acquisition or the education of his children; and hence it would only be fair that, if he chooses to live apart with his wife and children and keep his acquisitions to himself or for the sole use of his wife and children, he may do so; but he should not be an encumbrance on the *tarwad* property any longer. The other members of the *tarwad* should then be allowed to enjoy the *tarwad* property jointly if they choose. Any member who of his own accord demands his share of the property may be allowed the same, provided the majority of the members of the *thavazhee* allow it. In this case, the member who clamours for partition does so at his own risk and will not be a clog in the way of the other members who may live peaceably without him. This course may even teach him a lesson of greater sympathy towards his relations. So much for individual partition.

The *makkathayam* system should no doubt be the goal ultimately aimed at. But I submit that the people must be educated to reach it, and that for its attainment those conditions which now form an obstacle to its immediate introduction should be slowly wiped oway one by one. A period of time, say, fifteen or twenty years, may be fixed to bring the *makkathayam* system into complete operation. By this procedure, the people who are to be affected by it will take due note of it and prepare themselves for the change with the least chances of the horrors of sudden deprivation. This will be a sort of probationary period for them. This should act as their main incentive to take to agricultural and industrial pursuits in the meanwhile, for which, according to the opinion of some of the members here, they do not show sufficient inclination or aptitude, possibly because of the absence of any stimulus to it under the *marumakkathayam* system. If the result after the lapse of fifteen or twenty years would still be not better, there would, in such a course, be at least the merit of having given a sufficiently long notice to the people. We would not then be taking them unawares. Even though the *karanavans* may not be functioning properly at present, they have at least the consciousness of a responsibility laid upon them by the *marumakkathayam* system to take care of the helpless female members, which they may, in a manner, though not to our best satisfaction, be discharging. But by a sudden change in the law, you would knock the responsibility out of them, and send the female members adrift upon the world. In these days of democratic ideas which spread rapidly like wild fire, one cannot trust too much to the domestic affections of a man to take care of, or to provide for, the helpless female members to whom the change would come as a cataclysm.

In regard to divorce, I believe that there are circumstances which may justify a dissolution of the marital tie, even in the so-called indissoluble unions in the *makkathayam* families. Hence the provision made for divorce is a wholesome one. The law must, however, be so framed that cases of divorce may be minimised as much as possible.

As for non-Nair marriages with Nair women, my opinion is that, in the case of the death of the non-Nair husband, the intestate's

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. C. Mammen Mappillai.]

property should, unless otherwise specifically contracted for at the time of the marriage, be made to descend to the issue by the Nair wife, in the same way as it would descend to the issue of a caste-wife, or those of a second caste-wife, if the husband had chosen to marry such a one. In short, it should be considered in the light of a simple inter-caste marriage, in every respect parallel to the marriage contracted, for instance, by the poet Sir Edwin Arnold who took a Japanese lady for his third wife, or to the marriage contracted by an Englishman with a French woman or a Frenchman with an English woman, in either of which cases the woman would follow the law of the nationality into which she enters.

MR. K. C. MAMMEN MAPPILLAI: Sir, it is an exceedingly delicate task for a member not belonging to the Nair community to speak on this very important question. In matters affecting the social welfare of a community, it will be very difficult, delicate, and dangerous for others to intrude without giving offence, without the appearance of offensive condescension, and without unwittingly making matters already difficult doubly so by twists and exaggerations.

There is no doubt that the bill before the House marks an important advance. It embodies the aspirations and ideals of the progressive section of the community. I hope the bill will not, on that account, be condemned outright by the conservative elements in the community. During the last few years, we have been witnessing rapid changes in the outlook of people towards social legislation. I was a member of the committee which investigated the possibility of framing legislation for regulating intestate succession among the Christians of this country. A large number of members of my community were expressing great preference to what they considered to be the immemorial laws and customs of the community and stoutly resisting what they considered to be the new-fangled notions of people who did not really know the customs and sentiments of the community. I once remember that, when we were at Tiruvalla, the stronghold of conservative opinion, most of the people joined together and bombarded the President of the committee with the request that he should not depart from the interests and the time-honoured customs of the community. Thereupon I asked them whether they would regard the late Mar Mathew Athanasius Metropolitan as an authority on what the orthodox view of the question was. Every one present readily bowed to the authority of this renowned prelate. The President then quietly produced that metropolitan's considered views on the question embodied in a memorandum which he had prepared and presented to the representatives of Government. It was then found that these views differed materially on several vital points at issue from the views so tenaciously clung to by the present generation. There could be no more convincing proof that gradual and unconscious but, nevertheless, substantial changes do take place in the customs and views of a whole community as regards the law of inheritance

LIBRARY ARCHIVES Kerala Legislative Assembly

and succession. It was then brought home to me that opposition to any changes and adjustments in such laws demanded by the enlightened consciousness of a large and influential section of any community could not be based on the ground of the immutable character of those customs and laws. Most of you also know what terrible prophecies were uttered as to the consequences of passing the Christian Bill into law and how utterly baseless their forebodings have proved to be as judged by the result of the working of the Act during the past few years. I also gathered, during the course of the debate on the Ezhava Bill, that some influential members of the Ezhava community were led, during the course of the deliberations on that measure, to change their views as to the respective merits of pure *makkathayam* and *misradayam*.

With regard to the attempt at regulating the social life of the Nair community by legal enactments, I remember that, years ago, when the late Mr. P. Thanu Pillai tried to introduce a very small instalment of reform in this direction, he had to combat very determined and powerful opposition, and that the measure had to be eventually withdrawn. On that occasion, a newspaper then conducted by a relative of mine published an article strongly supporting Mr. Thanu Pillai's bill. Thereupon Mr. Thanu Pillai wrote to the editor of the paper a long letter expressing his overwhelming gratitude for the support which had been accorded to the bill and dwelling on the insuperable difficulty of carrying out even the small instalment of reform which alone he had in view. But that measure which Mr. Thanu Pillai, in spite of his unique personal prestige, influence and tact was unable to pass a few years ago, we now find to be far behind what is demanded by the community. The measure which was passed a few years ago was several stages in advance of Mr. Thanu Pillai's attempt in this direction. But even that legislation has now become unsuited to modern conditions. Therefore a bold attempt to satisfy the aspirations of the best elements in the Nair community as to what changes are absolutely necessary in the enduring interests of the community may now be made without any fear of disaster or ruin arising therefrom. If one may judge from the utterances of the leading members and newspapers of the community, one may feel confident that the action of this House in this direction will have the support of an overwhelming majority of the community. Even if some members may be disposed to think that we are going too far just now, a few years hence these very doubting members may find that the demands of the community have not been fully met by the bill. In matters of social legislation, there is nothing like boldness at the psychological opportunity, provided the community is prepared to support such boldness.

MR. JOSEPH PANJIKARAN: Can there not be an amending bill after a few years?

MR. K. C. MAMMEN MAPPILLAI: If you can carry a measure now which is acceptable to the community, why should you have an amendment some years hence? I do not see the reason why we should

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. C. Mammen Mappillai.]

secure by an amending bill at a subsequent date what is feasible and desirable now. There is no custom howsoever out-worn which somebody will not be found to support. To desire to continue in the old moorings, to detest any change, is an inherent characteristic of human nature with which one must sympathise. But from the experience of various other communities during the past few years, one is justified in going forward with confidence and with hope in passing into law a measure somewhat on the lines of the bill now under consideration. I remember, some years ago, when I was a schoolmaster, I was discussing the affairs of the Nair community with a band of eager, patriotic, young men who were my students and who were residing in the Hindu Hostel attached to the school. They used to describe to me the difficulties in their own families and of the whole community. We often used to discuss the *pros* and *cons* of the various solutions suggested. We gradually came to the conclusion that it was only by a thorough change of the system of inheritance in the community that the woes of the community could be really remedied. The points upon which we came to an agreement were individual partition, a thorough-going system of *makkathayam*, monogamy and the change of the arbitrary nature of marriage ties into indissoluble unions. It is some gratification to me to find that those young men who were very earnest in those discussions have taken some prominent and leading part in the agitation and in the educative work which have converted the community from staunch *marumakkathayees* into almost unanimous acceptors of *makkathayam*. I especially recall the names of Mr. M. N. Nair, Mr. Sivarama Panikkar, Mr. M. N. Narayana Menon, Mr. R. Parameswaran Pillai and a few others in this connection. It is also worth remarking that the framer of the present bill, Mr. K. P. Raman Pillai, was in those days a student of my school and an inmate of the Hindu Hostel. I do not claim to have inspired him. That circumstance, though probably an accident, cannot but afford me some gratification. I should also like to mention another small incident. Some years ago, Mr. Muraniyil Govinda Pillai who may be truly described as the protagonist of his time of this movement began a propaganda for popularising *makkathayam* and individual partition. He wanted to see whether anybody would support him. Some of my old students told him that I was likely to be a staunch supporter, and Mr. Govinda Pillai came to me and spent a whole day in discussing the matter. It is some consolation to me now that I am able to fulfil the promise I had then made by being able to support the principle of the bill to-day. One reason why my old students were telling me that *makkathayam* and individual partition were necessary was the woeful condition of the Nair community. They were giving me accounts of the various Nair families which were decaying because of *marumakkathayam* and the joint family system. I can very well sympathise with them. Mr. Govinda Pillai made up his mind to dedicate what remained of life to him to carry an educative and propagandist work for this purpose. He came to me in order to enlist my sympathy

LIBRARY ARCHIVES Kerala Legislative Assembly

and support in the movement. He was an old and intimate friend of several members of my family. He described to me in moving terms the hardships of the community which were due to the system of inheritance in vogue. I told him that he was preaching to a converted person and I promised him full support and heartily wished him success in his attempts.

Though it will be thus seen that I am a full sympathiser of this measure, I cannot, in the light of my full experience of life, subscribe to the proposition, as I once did, that the Nair community is in a decadent condition on account of the system of inheritance in vogue. No doubt, a number of once flourishing Nair *tarwads* have gone under. But on clear examination it will be found that others unheard of have gone ahead, and that, in the aggregate, the community has been materially and in most other respects making steady and wonderful progress. The ups and downs in the fate of individuals are not confined to the Nair community. I could give hundreds of similar instances from my own community. In my opinion, the Nair community has been, during recent years, on the whole making wonderful strides of progress on all sides. As an index of this circumstance, take the achievements of the community in the intellectual field. It is the only community in South India which, by its intellectual acumen and readiness of resources, has compelled even the Brahmin community to assume a defensive attitude. Whether in schools and colleges, at the bar, or on the public platform, whether in the field of journalism or in competitive examinations, the Nair has many a time met the Brahmin on equal terms and beaten him on his own ground. The non-Brahmin community of the rest of South India has no doubt in recent times given the Brahmin community some hard moments. But it is due to the sheer weight of numbers and of accumulated wealth. But the Nair's achievements as against the Brahmin in the university, the college, the press and the platform, are not due to any of these favourable circumstances. In the intellectual field, the Brahmin, the inheritor of centuries of a system of intellectual discipline which scarcely finds a parallel in the world's annals, was for long enjoying a monopoly. It is the Nair, if anybody else, who is going to break that monopoly. The Nair community surely is not a community that is decaying. It is a community which has played a great part in the past, but which is destined to play a still greater part in the future. If the community has thus got on very well in spite of the handicaps inherent in its system of inheritance which is obviously defective and unsuited to modern conditions, that is no reason why these defects, once the community becomes conscious of them, should be prepetuated. There are palpable defects in the system and the bill seeks to remove them. There may be shortcomings in the bill here and there; and it is the function of the Select Committee to try and remove them. But the main principles seem to be sound and acceptable.

One very delicate question was touched upon by members of other communities, namely, intermarriages between members of the Nair and other communities. If the Nair community should insist that there should

LIBRARY ARCHIVES Kerala Legislative Assembly

[MR. K. C. Mammen Mappillai.]

be such intermarriages and if they should seek to impose upon others their own laws of inheritance and succession, it would undoubtedly be most unjust. But I have understood the real inwardness of the sentiments of the Nair community on this question. They are not as a community anxious for such intermarriages. If others seek it, they must submit to a certain limitation of the freedom from responsibility hitherto enjoyed by them. If, as the result of the passing of a measure of the kind under discussion, such intermarriages are rendered impossible, I do not think that the Nair community would regard it as a calamity. And if, as Mr. Poti says, other communities, which are now having marital relations with Nairs, are of opinion that such relations should cease to exist, I do not think that that should be any ground of unpleasantness.

There was one point raised by Mr. Rangaswami Aiyangar, *viz.*, about the rights of minorities. It is with a feeling of trepidation that I venture to differ from Mr. Rangaswami Aiyangar with his vast and encyclopædic erudition. It may be due to my incapacity to grasp his wisdom that I am unable to agree with him on this point. My view is that, in passing any legislation, Government and society are often obliged to ignore in some respects the sentiments of minorities. In the Madras Legislative Council, there have been the Hindu Religious Endowments Bill and ever so many other bills which have been passed in the teeth of the bitter opposition of certain sections of the community. But the will of the dominant section has prevailed and rightly so. Similarly here, if the dominant feeling of the vast majority of the Nair community is in favour of enacting this measure, I cannot understand why this Council or any individual thereof should stand in the way of its desire being fulfilled.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR: As a point of personal explanation, may I say that my plea for the protection of minorities was in regard to the permission to follow immemorial usage in social matters and matters of conscience.

MR. K. C. MAMMEN MAPPILLAI: Any custom obtaining in a community can be defended on the ground of its being an immemorial custom and a matter of conscience. That was what I found when the Christian Bill was under consideration. If we are to desist whenever there are some people to contend that something is an immemorial custom and a matter of conscience, I do not see how we can enact any measure especially in the field of social legislation. As to the instalment of reform that is now contemplated, some members of the Nair community were themselves advising caution. It is not for outsiders like myself to dictate to the community what is good and what is not good for the community as a whole. My conviction is that the bill under discussion enlists the support of the predominating section of the community; and therefore I give my hearty assent to the introduction of the bill; and I am thankful that I have thus been given an opportunity to fulfil my promise both to the living and the dead among my friends in the Nair community.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. N. NILAKANDA PILLAI: The Nair community is moving. It has left behind the matriarchal days, when the woman supplied the most valuable of her worldly property the children to the State for defence and offence, and possessed herself of other property. It is going forward in the system in which she plays the part of man's dependent, looking to him for support for herself and her children who have ceased to be wealth and become something of a burden. It may be expected to go forward till the end of time unless the suffragette proves to be a successful revolutionary.

The State has recognised the change and has issued its first instalment of legislation ten years back. The second bill is now presented at the counter of this House for encashment and it has become its duty to scrutinise the claims justly and equitably and as magnanimously as the circumstances of the case would permit.

As a novice in this House, I would not have risen to speak, had it not been for the fact that a characteristic which has always struck me as peculiar to the movement in the last decade has not been urged by any of my esteemed friends who spoke before me. In the direction of compulsory monogamy, rights of children for maintenance from non-Nair fathers, rights of the managing *karanavan* for compensation for work done, inheritance of *makkathayam* property, etc., the bill before the House goes in advance of the existing law. Some of these are controversial matters, especially when they trench on the vested rights of other communities. But the awakened progressive consciousness of the Nair community which has asserted itself, the growing sense of duty of individuals outside that community who contract marital relations with them, as well as the sense of fair play of the members of this House belonging to communities that have no such relationship, which would point out to them the impropriety of throwing on society generations of children ill-equipped to fight the battle of life — these may be looked up to for solving these difficult questions.

Such is not the case with the peculiar characteristic of the present movement which I have referred to—I mean the assumptions made in drafting the sections of the bill before the House relating to partition and intestate succession. It is a well-recognised principle of legislation that an individual should not be deprived of his rights without his being given adequate compensation and that his natural expectations should not be falsified.

The British nation taxed itself for the great measure of emancipation of slaves it effected. The emancipation of feudal serfs in Germany and Russia were paid for from the State purse or by commutation. In Travancore, the liberation of Devaswom lands, so fresh in our minds, is an act for which we tax ourselves. The financial burdens imposed by all these acts are justified by the public good they have produced. Is the emancipation of the Nair community an act equally worthy of being made a charge upon the public purse? The House will unhesitatingly say no. Nevertheless, if the measure now before

LIBRARY ARCHIVES Kerala Legislative Assembly

[MR. N. Nilakanda Pillai.]

the House is to be sanctioned without an award of compensation, the House would be guilty of having undertaken an unscientific and unconscionable piece of legislation.

Let us analyse the proposals as regards partition and intestate succession carefully. What is it that is proposed to be divided among the individual members *per capita*? It is the *tarwad* property—property that has descended from generation to generation, property which has been acquired by the industry and thrift of these generations, property which these generations firmly believed would and ought to descend in the female line, property which the existing and rising generations naturally expect would descend in the female line, unless by means not better than those of a robber they are deprived of it. The courts of the country have ever recognised this vested right and the maligned Nair Commission of the last decade have respected the same.

In the legislative proceedings which followed, it was found that the community was not then ripe for even *thavazhee* partition which the commissioners recommended and that the aspirations of the advanced portion of the community must rest content with the provision of *makkathayam* property being divisible equally among the children. It was on that occasion calculated that, within a time considered reasonable in matters social, all property belonging to the Nair community would pass through the stage of being *makkathayam* property and become divisible. But somehow the movement in the present decade has completely forgotten the fact that the *tarwad* property is one over which the male members have only the right for maintenance contingent upon the yearly income, the number of members and the life of the individual claiming it and that succession thereto is in the female line.

To bring home the situation to my *makkathayam* friends, I would ask them to fancy that the suffragette revolutionaries have succeeded and that in their legislature they are enacting a measure for giving equal rights to boys and girls. Fancy what would be the mentality of *makkathayam* man at that time!

It is for each individual member of this House to decide whether he would be a party to this great act of spoliation of woman's property by man. I am aware that the age of chivalry has passed. And it is long since humanity consigned even Burke to his grave. But, as civilised legislators, I believe that not one of the members of this House would deprive the weaker sex of their undoubted right to inherit the *tarwad* property from generation to generation, on the flimsy reason that the State judicial institutions are unable to cope with the machinations of selfish people who grasp at what is not their own.

I have heard it said that the woman now reduced to penury will consent to take a fraction of the loaf, however small, (one-eighth if the purchasing value of the property is taken to be eight and one-third times its annual yield); because it is better than having none at all. In

LIBRARY ARCHIVES Kerala Legislative Assembly

my estimation, this argument is the worst insult that can be offered to a legislative assembly of any country whose duty it is to see that measures are discovered to right wrongs and to compensate wrongs that cannot be righted.

I know that, to support individual partition in the face of the principle of no deprivation of rights without compensation, it would be argued that what the woman loses in her own family will be compensated for by what she gets in her husband's. In regard to this, I have only to remind this House that the existing Nair marriages were not arranged with any idea of the upkeep of the progeny, that in them marriage settlements are conspicuous by their absence, and that they are marked by inequalities of economic conditions of man and wife not met with in other communities.

Such being the case, to my mind, the only way to meet the undoubted demand of the Nair community to leave behind *marumakkathayam* and take up *makkathayam* is to follow in the wake of the Nair Commission. If *thavazhee* partition is now sanctioned, the time when all property of the Nair community would pass through the crucible of *makkathayam* property would be nearer. Even if that is not near enough, the experience gained would enable us to secure equality of economic circumstances in our future marital alliances. Such a consummation, when once reached, would enable a civilised legislature to ignore vested rights with an easy conscience, as adequate compensation would then be forthcoming in the majority of cases for the injury that would have to be done to woman, as at that time what the woman loses in her own family will be compensated by what she gets in her husband's. Though I disagree with the mover of the bill so widely, I am glad I need not oppose the principle of the bill, as he has given me to understand from his speech that he is prepared to consider the claims for *thavazhee* partition and succession that would follow in its wake at the Select Committee stage.

On this understanding, I support the principle of the bill.

MR. K. C. RAJA RAJA VARMA: Sir, in supporting the motion that the bill be read, I do not wish to enter into a detailed examination of the provisions embodied in the bill. But I shall proceed to state my remarks on some of the general principles contained in the bill, and leave, to be dealt with at a further stage, the detailed consideration of the various provisions.

The bill, Sir, attempts not only to extend the principles which are found in Regulation I of 1088, but also to introduce most important changes in the existing laws and customs affecting the several communities in the land. In Malabar, the Hindu society composed of the Nambudiri, Kshatriya, Nair and various other sections, was not a mechanical mixture, each part following its exclusive avocations in life without any regard for the other sections and each capable of being separated without detriment to itself and others, but a chemical compound, the component parts of which have become

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. C. Raja Raja Varma.]

indissolubly linked together by the most sacred ties of kinship and friendship for social and religious purposes. These communities were not self-contained and exclusive, each following its own destiny; but they had reciprocal rights and duties; and they lived together in harmonious co-operation for the common welfare of the society as a whole. But those days are gone for ever. The *marumakkathayam* system of family management lost its old prestige and has broken down in various places. Old landmarks in the customs and usages of communities have been obliterated by the influence of time. Western thought and culture have created a deeper impress on the minds of those communities which have greater facilities for western education than in the case of others whose social environments were not favourable for the spread of modern culture. As a result, those communities which were not tied down by rigid social customs took advantage of the new facilities and left some others far behind them in the path of progress. They have taken up social problems and they have been agitating for the modification of their laws to suit the new ideals they have set before themselves. It is this condition of affairs which we find in Malabar at the present time.

The Nair community in Travancore has proceeded far in the path of social progress, in education and in other ways. It has not been possible for other communities such as the Brahmin and the Kshatriya, to keep pace with them and imbibe the principles which the Nair community has assimilated and which it wants to incorporate into the Statute Book now. When I raise my objections regarding some of the provisions of the bill, I hope my friends would not think that I am hard on the Nair community. These objections should be taken as the expressions of other communities which might not probably have had all the advantages which the Nair community had in point of education and social reform.

In a matter like this, the Nair community is perfectly justified in ordering its social matters as it likes. But is is equally justifiable on the part of the other communities, who are affected, to raise their voice and say that they are not able to go to that extent in social legislation, and that it would be a hardship to them if they were forced to adopt, against their will, the principles on which the Nair community might legislate for itself. I view the question of intestate succession in the case of a deceased non-Nair in favour of his Nair wife and children from the view-point of immediate necessity. To me it appears that a provision like this is not absolutely necessary for the progress of the Nair community. From the moment the draft bill reached my hands, I was thinking whether there were any reasons which induced the mover of the bill to introduce a provision like that in the bill. The statement of objects and reasons did not give me any clue as to the reasons I thought my friend might have had. But as far as I have been able to gather from the discussion on the subject both yesterday and to-day,

LIBRARY ARCHIVES Kerala Legislative Assembly

I find that there are only one or two grounds which have been urged in support of the provision. The grounds urged were that a provision like this would be conducive to the enhancement of social dignity, and that, as my friend Mr. G. Paramesvaran Pillai remarked, it would also be conducive to better morality. I do not quite understand what Mr. Raman Pillai meant by social dignity when he said that this provision was necessary for the social dignity of the community. To me it appears that there is no difference in social dignity between a Nair woman marrying a Nair male and another marrying a non-Nair male. Both marriages are recognised, by immemorial usage and statute law, to be valid and binding. In all cases where the non-Nair husband finds it possible to bring his Nair wife and children within his roof, he does so and supports them to the best of his ability. Instances are not uncommon where the husband leaves his family and takes up his residence with his wife and children in their house, looking after their affairs. This reciprocity of conduct which is prevailing in the communities is itself one of the best proofs that there is no sort of social inferiority between a Nair wife and a caste-wife. I therefore do not see quite clearly the point which Mr. Raman Pillai wanted to urge. As regards the other point raised by Mr. G. Paramesvaran Pillai, I think the present state of affairs is not at all conducive to immorality.

MR. G. PARAMESVARAN PILLAI: Sir, I beg to offer a word of personal explanation. What I said was not in the limited sense in which my friend took it; but it is a moral obligation upon society to see that members of a society who beget children make provision for them. In that sense, it is immoral.

MR. K. C. RAJA RAJA VARMA: Then I do not pursue that point.

This provision has to be dealt with in a spirit of generosity. As one of the earnest well-wishers of the Nair community, I would say that it is not at all desirable to have a provision like that in this bill. The objects, the author and the supporters of the provision have in mind, are to a very large extent attained by other indirect means, for example, the spread of education and modern culture. And I would leave to these influences more than to any rigorous law like the present bill, the attainment of the object in view. I would point out that no necessity has been made out for the introduction of this provision. If, on the other hand, the point is that the non-Nair husband does not feel the responsibility of parenthood and does not make adequate provision for his wife and children, the provision in the bill would have been all right. But he feels his responsibility towards his children and makes adequate provision during his life-time.

MR. G. PARAMESVARAN PILLAI: May I ask my friend whether he does not think it desirable to provide for a legal obligation in the matter?

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. C. Raja Raja Varma.]

MR. K. C. RAJA RAJA VARMA: This social obligation is as much binding as any legal obligation. And if there are cases in which non-Nair husbands have not provided for their Nair wives and children, I may assure my friend that it is not because of want of affection, but because of sheer inability to provide. They may not have the means to provide them with sufficient means of livelihood.

MR. P. K. NARAYANA PILLAI: May I know what the member's objection is to impose a legal obligation, as I see he recognises the moral obligation?

MR. K. C. RAJA RAJA VARMA: No necessity has been made out to put in such a provision in the Statute Book. If there were a large number of cases in which the non-Nair husbands do not provide their Nair wives and children when they have sufficient means, then the provision might be imposed. But I submit that such cases have not arisen. I therefore think that such a provision is not necessary.

There is another objection also which I may be allowed to point out to this Council against the retention of this clause. It goes against the religious sentiments and susceptibilities of the communities affected by it. I think religious sentiments and susceptibilities are entitled to be respected, where they do not cause any great hardship to the other communities.

MR. T. K. VELU PILLAI: May I know what the particular religious sentiment in question is?

MR. K. C. RAJA RAJA VARMA: I refer to the sentiment relating to inheritance. I do not deny that the marital tie imposes upon the non-Nair husband the duty to provide for his wife and children adequately and to maintain them in as high a state of comfort and peace as possible. But it is one thing to speak of providing maintenance, and another to speak of inheritance. Hindu Law does not favour inheritance between castes or classes *inter se*. It recognises inheritance only within the same caste.

MR. T. K. VELU PILLAI: I wish to ask whether the principles of Hindu Law apply to cases of marriage between a Nair woman and, say, a Koiltampuran?

MR. K. C RAJA RAJA VARMA: Religious sentiments and susceptibilities are based upon the principles of Hindu law.

MR K. P. RAMAN PILLAI: May I know from the member whether the marriage of the women of his caste is considered a sacrament?

MR. K. C. RAJA RAJA VARMA: For the information of my friend, I might say that it is a sacrament.

The religious aspect of the question has been aptly placed before the House by Mr. Krishna Aiyangar and Mr. Rangaswami Aiyangar. I do not wish to go over the same ground again. I would only appeal to my friends here to consider the religious susceptibilities of other communities, who are going to be affected by the bill, in a sympathetic

LIBRARY ARCHIVES Kerala Legislative Assembly

and generous manner, so that any provision which they may consider to be necessary will not affect the other communities seriously.

MR. G. PARAMESVARAN PILLAI: May I know whether the member thinks that religious susceptibilities are in any way affected by the marriage of one following the Hindu law with another following the Nair law when this bill becomes law?

MR. K. C. RAJA RAJA VARMA: I say they are affected, if the parties are put in new positions.

Then, on the ground of expediency too, I think a provision like this it is not at all desirable to place on the Statute Book. There are many Nair families in Travancore in which the custom is for the women not to be married by Nairs, but only by Brahmins or Kshatriyas. A provision similar to the one in question would cause a good deal of hardship to such families in fixing husbands for their girls. On all these grounds, I submit that a provision like this it is not desirable to place on the Statute Book.

There are some other provisions also in the bill on which I should like to speak.

PRESIDENT: We will now rise for lunch. Mr. Raja Raja Varma you may continue your speech afterwards.

The House rose for lunch at 2-27 P. M.

The Council re-assembled after lunch at 3-25 P. M.

The Deputy President occupied the Chair.

DEPUTY PRESIDENT: Gentlemen, we shall resume the discussion on Mr. Raman Pillai's bill.

MR. K. C. RAJA RAJA VARMA: Sir, the chapter on intestate succession—

DEPUTY PRESIDENT: Please speak a little louder.

MR. K. C. RAJA RAJA VARMA: Another principle which I wish to point out in the chapter on intestate succession is the principle of the *makkathayam* system of inheritance as proposed by the learned mover. The provisions regarding intestate succession are much in advance of the existing law. They provide for the whole of the self-acquisition of the intestate going to his wife and children. I am glad to find that, in his enthusiasm for *makkathayam*, the learned mover has not forgotten the claim of the mother and of the father for a share in the intestate's property. I would ask him also to consider sympathetically the case of the unmarried sister or the brother who may be living under his care and protection and under the same roof along with the intestate and enjoying his affection, when it comes to a question of the distribution of the intestate's property between his wife and children. Otherwise, the unmarried sister will be left in many cases helpless, unless she is protected by some means fair and equitable to her.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. S. Krishna Aiyar.]

There is a large volume of opinion in favour of individual partition. But there is also a considerably strong current of thought against allowing individual partition all on a sudden and in favour of allowing only *thavazhee* partition so that the community may be prepared to accept the risks of individual partition at a later stage. I submit that it is a case which is beset with serious difficulties, and that, unless satisfactory safeguards are provided, it is a dangerous step to go in all on a sudden for individual partition. Again, I would point out that, whatever may be the form of partition which would be decided by this Council, the provision in the explanation that one-half of the acquisitions made by the *karanavan* or the managing member with *tarwad* funds should go to his children is one of the most dangerous provisions for the continuance of the family system. Whether this Council decides upon individual partition or *thavazhee* partition, if this provision is allowed to stand, the effect of it would be to make the members of the *marumakkathayam tarwad* demand individual partition at once. Because the explanation says—

DEPUTY PRESIDENT: Which explanation are you referring to?

MR. K. C. RAJA RAJA VARMA: The last explanation in clause 13. The effect of it would be to make it impossible for the members of the family to continue jointly for a long time, because of the intestate *karanavan's* acquisition; or if one-half of the property acquired by the family during the intestate's life-time were to be given to the wife and children, that would be itself an incentive to the members of the family to claim individual partition as early as possible.

The provisions regarding intestate succession and partition make it absolutely necessary that the marriage tie should be made more binding and that divorce should be restricted. The passing of the bill would bring about a complete change in the family system. The woman, who, according to the *marumakkathayam* system, looked to the brother or uncle for help and guidance, will have to follow her husband wherever he goes and entrust him with everything she possesses. Similarly, a man's affections and interests become centred in his wife and children and his entire estate goes on his death to his wife and children. Under such circumstances, it would be better for the Nair community if the marital tie is made more binding and divorce allowed only under certain conditions.

MR. S. KRISHNA AIYAR: Sir, I do not think any apology is needed on my part for entering into a discussion of the proposed bill. Though not a Nair myself, I claim to represent one of the largest (if not the largest) Nair constituencies in the State. I believe I have been returned by the largest number of Nair votes in this Council. I feel therefore more than justified in taking part in the discussion.

LIBRARY ARCHIVES Kerala Legislative Assembly

The first point that has to be made out in respect of social legislation is the necessity for the proposed measure; and here there is absolute unanimity of opinion. Though some of the speakers took exception to specific provisions of the bill, all are agreed on the necessity for fresh legislation.

The *marumakkathayam tarwad* as a unit of society has played its part and become obsolete. Initiative can proceed only from individuals. Responsibility rests and can only rest on individuals. Individualism is the order of the day. The *tarwad* is not amenable to criminal law; neither is it liable in torts. It cannot engage in trade or business. It can only vegetate. It is a cumbrous piece of old-world machinery that even a *karanavan* finds difficult to work. The system might have been suited to the ancient martial days. The community does not now feel happy under it. The days of the old type of *karanavans* are over. The *karanavans* of the present day seem eager to get out of the trammels of office. The right of renunciation is freely resorted to. The system cannot be mended. It has therefore to be ended, if the community is to advance and keep pace with the rest of the progressive world.

On the economic side, the position is worse. Property is only purchasing power, and whatever has no purchasing power is not property. Tested in this light, Nair *tarwad* property is not property. There are so many shackles and conditions imposed by law that it has no purchasing power in the market. From the ancient profession of arms, the community has turned to agriculture. But agriculture needs credit. If a member of the community wants to rent property and work it out, there is the *tarwad* system standing against him. The *tarwad* may not be liable for the rent due. He has therefore to take into partnership a non-*marumakkathayee* or to get one to stand surety for him. That cuts into his profits. A loan on the credit of the *tarwad* property—a temporary grain loan such as is incidental to agriculture—is not easily secured. Agriculture is slowly drifting out of the hands of the community. Trade is impossible under the system. Credit is the foundation of all trade and business. Under the law, the *tarwad* is not responsible for trade-debts. We do not find a single trader of any prominence in the community. Occasionally one might shoot up only to come down like the proverbial stick of the rocket.

We do not find—and I say this with special reference to middle and north Travancore—a single Nair *tarwad* in the same state of affluence for the past fifty years. Under the present system, the co-operation of the *anandaravars* is necessary for a sale, mortgage, or even a lease for a certain term of years; and that in many cases means a heavy bribe to the *anandaravars*. No wonder that many a *karanavan* adopts the expedient of allowing *tarwad* property to be sold for arrears of Government revenue and purchases it *benami* in the name of another individual.

DEPUTY PRESIDENT: Do you put it as a general proposition? I daresay there may be cases like that.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. S. Krishna Aiyar.]

MR. S. KRISHNA AIYAR: I concede that one swallow does not make a summer, but the Deputy President admits such instances. It is human nature for people under pressure to find loopholes of escape. Many a lawyer and non-lawyer find easy loop-holes out of the rigid system of this law. As I began with observing, the *tarwad* has played its part and become obsolete; a new system has therefore to be evolved in keeping with altered conditions.

Even under the existing system, *makkathayam* and partition have been recognised and legalised to a certain extent. The separate property of a separated member descends to his wife and children and is subject to partition *per capita*. If the Nair is to get on for ever under his archaic system, why were *makkathayam* and the right of individuals let in? The community at heart is *makkathayee*. The goal or ideal of the community is *makkathayam*. There has already been one half-way house in the Nair Regulation I of 1088. Why invent more stages? The present is a *misravazhee*, a heterogeneous mixture of discordant elements.

The second question that seems to have generated a little controversial heat was the question of individual partition. If partition is necessary at all, it must be for the benefit of the individual and not for the benefit of an aggregation of individuals. *Thavazhee* partition means a multiplication of the number of *marumakkathayam tarwads*. That spells perpetuation and extension of the evils of the system. It is no cure; it only spreads the disease. If a few members constituting a *thavazhee* can be allowed compulsory partition, why not an individual member out of the few? As I started with observing, we are not here to finally decide on the question of *thavazhee* or individual partition. This is a matter of detail that does not arise for more than passing consideration at the present stage. Nevertheless, I may be permitted to say on behalf of my constituency that 99 per cent. are for *makkathayam* and individual partition.

The disadvantages that *makkathayam* and individual partition are likely to bring in their train seem to have been discussed at great length on different lines. I find, for example, Mr. Lakshmana Pillai observing: "Once the *tarwad* property is partitioned out, what is left to the individual is next to nothing". I would put him the question: "Does the existing system give him more or less?" The law recognises a right to bare maintenance. In the majority of cases the *tarwad* is not able to maintain its members. The individual member has to shift for himself. If it be argued that an individual member has little to gain from individual partition, what has he to lose? Does such little property as a *tarwad* may have exist for the *tarwad*, *i. e.*, for the individuals composing it or for the *karanavan* or for a traditional abstraction called the *tarwad*. Another argument was that partition would reduce the individual to pauperism. I answer, if so, his present state is no better

LIBRARY ARCHIVES Kerala Legislative Assembly

Partition might give him something on which he can build, work and earn his living. It will engender a sense of responsibility. It might make a man of him. An eminent member in the course of his speech said that partition would reduce individual members to hunger and starvation. I am only making a passing reference.

DEPUTY PRESIDENT: That is an extreme statement of the case.

MR. S. KRISHNA AIYAR: Another argument was that the number of unmarried girls in the community would increase. Who takes care of the unmarried girls now? Does the *karanavan* make it his care to get them married? Do the brothers make it their care? The mother alone feels the responsibility. When the unmarried girl secures property and attendant responsibility, in other words, when she becomes an individual and feels it, she may look after herself. Every individual, man or woman, is entitled to work out his or her own salvation. Nair women have risen to that stage in which they are able physically and intellectually to look after themselves. They have risen above perpetual tutelage. What amongst other communities the woman is doing elsewhere, the Nair woman has been able to do in Malabar. I heard it said by an eminent speaker that Nair women are inarticulate, and that the men, when they legislate, should take into account the fact that they are legislating not only for the male, but also for the female, members of the community. I believe that, even without the warning voice, members here realise that fact. Most of them are married men and the Nair members may be expected to know the heart and interests of Nair ladies. Altogether the Nair women are in a comparatively much better position. Whether the Nair ladies really want this piece of legislation or not—

MR. JOSEPH PANJIKARAN: Have you put the question to any Nair lady?

DEPUTY PRESIDENT: You cannot ask him. You should address the Chair.

MR. JOSEPH PANJIKARAN: I want to know whether the speaker has asked any Nair lady the question and known the heart of the lady as to whether she wants individual partition.

MR. S. KRISHNA AIYAR: At a small meeting of Nair ladies—I use the word small though I heard that it was well attended and that many educated ladies took part—a resolution was passed that they wanted *makkathayam* and individual partition, and the resolution was communicated to their representative.

MR. P. K. NARAYANA PILLAI: Another meeting of Nair ladies was also held at Changanachery.

MR. S. KRISHNA AIYAR: I am proud that many Nair ladies voted for me on that particular assurance. One of them non-co-operated with her husband (*laughter*) and voted for me because she was an out-and-out individual-partitionist.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. S. Krishna Aiyar.]

I do not propose going at length into the several objections to the bill. There is one, however—the subject of inter-marriage and succession—that seems to have come in for a lot of discussion. However, it reduces itself into a narrow compass. In Hindu law, when the marriage is legal, the offspring are entitled to inherit. The legality may have the sanction of the *Smrities* or custom. But, whenever the marriage is legal, inheritance follows as a matter of course. Here, in the Nair community, the law has stepped in and pronounced the marriage legal. Why should not the incidents of legal marriage follow? I say they are bound to follow. When the marriage is legal, whether sanctioned by the texts of the Hindu law or rendered so by legislation, the rights of inheritance should and ought to follow. It may be that, in the present bill, full reciprocity has not been provided for. A bridge is intended for people not only to cross from position A to position B but to pass from position B to position A also. Mr. K. P. Raman Pillai debars non-Nair husbands and non-Nair fathers from inheritance whereas he is prepared to inherit from a non-Nair father or husband. I believe that, after further consideration, he will be prepared to grant full reciprocity. Again, I heard it said that a non-Nair father stands on a peculiar footing. The sons by his caste-wife alone are entitled to perform his funeral ceremonies and his *sraddha*. Therefore, it was argued that they alone could be allowed to inherit. Now, supposing a non-Nair son after a course of education in England returns and says: "I am not going to perform my father's funerals or *sraddha*. I have no faith in them and the priests would not let me". Would he be debarred from inheritance? Inheritance has little to do with competency or willingness to perform *sraddha*. Every husband and father will recognise his responsibility to provide for his wife and children. In a large majority of cases of inter-marriage, I have observed the Nair wife and children being comparatively better provided for. It is not a right that the non-Nair has to have a Nair wife. It is a liability. It is a responsibility. If the Hindu law does not allow inheritance to joint property, separate property must be made available to the Nair wife and children. During election days and after, meetings were held in my constituency and it was pressed home to me that I should draft a bill myself. Accordingly I drafted one and it has been published in the papers. That bill has been so framed as to secure absolute equality between Nairs and non-Nairs in respect of inter-marriage. An additional safeguard has been provided that such marriages must be registered and entered in some official register kept for the purpose. That is to take the place of the sanction of public opinion which may not be able to make itself felt in respect of inter-marriages.

After all, these are matters of detail. What we are now concerned with is whether there is necessity for fresh legislation. Here there is a consensus of opinion. As to details, Mr. Raman Pillai's bill will go through the hands of the Select Committee and emerge probably in a

LIBRARY ARCHIVES Kerala Legislative Assembly

new shape. Then we shall have an opportunity of further discussing the measure. I never thought that there was much scope for objections to the proposed measure. Let me hope Government will allow liberty of conscience to official members (*hear, hear*) to vote as they think and feel in the best interests of the Nair community.

MR. V. SUBBA AIYAR: There is no room for any doubt about it.

MR. K. PARAMESVARAN PILLAI: Sir, the bill before the Council seeks to introduce a few important and novel principles into the *marumakkathayam* system of inheritance. They are fundamental in their nature. It is idle to deny that a bill which seeks to introduce the principles of the devolution of self-acquired and separate property of an individual dying intestate on his lineal descendants and of individual partition in the *marumakkathayam tarwads* does not effect a radical change in the *marumakkathayam* system of inheritance. But, at the same time, I cannot say that this has been done thoughtlessly or hastily and without due deliberation. Take, for instance, section 13 of the amending bill which relates to intestate succession. By enacting this section, it is proposed to supersede the *marumakkathayam* system of inheritance by the *makkathayam* system, according to which property descends in the line of one's lineal descendants. The practice of the male members of a *marumakkathayam tarwad* living with their wives and children began from a long time past and has been of late becoming very common. In fact, the complaint that the interest of the *karanavan* conflicts with his duty is as old as the institution of modern courts in Malabar. With the separate residence with one's wife and children arose the desire for making separate provision for them both *inter vivos* and by testament. A partial recognition of this growing sentiment was made by the Nair Regulation, I of 1088, by which it was provided that one-half of the separate and self-acquired property of a Nair male dying intestate will devolve upon his wife and children if he has left also undivided *marumakkathayam* heirs surviving, and that, in the absence of such heirs, the whole of such property would descend to his wife and children. Section 13 of the present bill merely seeks to extend and amplify that principle in the light of the experience gained by the working of the Nair Regulation for the last ten years. Hence, I say that it cannot be said that a violent change is sought to be introduced into the *marumakkathayam* system of inheritance. So far as the Nairs are concerned, no exception has been taken to this provision, as will be seen from the speeches already made by the members on the subject.

Unfortunately, it has been otherwise with regard to sub-clause B of section 13, *i. e.*, the provision relating to the self-acquired and separate property of a non-Nair husband or father. Some members have allowed themselves to be influenced by passion and sentiment rather than reason in this respect. But a little consideration will convince any one of the futility of the contentions of those who take the opposite view. My learned friend Mr. Krishna Aiyar has already told

LIBRARY, ARCHIVES, Kerala Legislative Assembly

[Mr. K. Paramesvaran Pillai.]

the House that, once the legal validity of the marriage of a Nair girl with a non-Nair male is recognised by the legislature, it follows as a matter of course that a right of inheritance according to the personal law of the non-Nair husband should follow from it. But unfortunately, no definite provision was made in the Nair Regulation with regard to it and no test suit was filed to establish the claim. One great objection that has been taken to this portion of the bill is that, according to the *Mitakshara* law, the inheritance follows the right to perform *sraddha* or the obsequies of the deceased. In the first place, I must controvert that proposition. According to the *Mitakshara* law, it is propinquity that determines the right to inheritance and not the right to perform *sraddha*. The two are merely coincident and neither is the cause of the other. In support of my position, I would refer in the first place to page 49 of Mayne's *Hindu Law*, 5th Edition. Mr. Mayne says:

"It would appear then that a man did not inherit because he performed funeral rites or made religious offerings. He inherited because he was the nearest of kin to the deceased, and he made religious offerings for exactly the same reason".

I may also refer to Sarvadhikari's *Principles of Hindu Law*, pages 579 and 581. At page 581, the author says:

"Far be it from us, he seems to say, that the title to present *pindas* and the title to inheritance are co-extensive terms. One is not the effect of the other. The former does not necessarily imply the latter.....The conferring of spiritual benefits must never be accepted as the sole ground of taking the inheritance. It is simply a guide and must not be confounded as its cause."

RAO BAHADUR K. V. RANGASWAMI AIYANGAR: May I draw the attention of Mr. Paramesvaran Pillai to another quotation from the same book whose authority he has invoked?

DEPUTY PRESIDENT: That is not asking a question.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR: Very well. May I know from Mr. Paramesvaran Pillai whether his attention has been drawn to these two passages *viz.*, on page 360 of Trevelyan's *Hindu Law* and page 12 of Rajkumar Sarvadhikari's *Hindu Law of Inheritance*? The passages are:

"There is in the Hindu Law so close a connection between their religion and their succesion to property that the preferable right to perform the *sraddha* is commonly viewed as governing also the question of the preferable right to succession of property; and as a general rule they would be expected to be found in union".

"He who is entitled to celebrate the obsequial rites of the deceased is also entitled to inherit the property and he who gets the property must perform the funeral rites of the last owner".

DEPUTY PRESIDENT: It is the same idea that is embodied in what Mr. Paramesvaran Pillai said.

MR. K. PARAMESVARAN PILLAI: Ordinarily the persons who succeed to the property also perform *sraddha*. That does not mean that the right to succession depends upon the performance of the *sraddha*. There is absolutely nothing in the law to show that he who performs *sraddha* is alone entitled to succeed to the inheritance.

LIBRARY ARCHIVES Kerala Legislative Assembly

RAO BAHADUR K. V. RANGASVAMI AIYANGAR: I wish to ask whether the authority he has quoted does not lay on the person who inherits the *duty* of performing *sraddha* and, if so, whether a person who does not belong to the same caste, but is made to inherit, *can* perform the *sraddha*.

DEPUTY PRESIDENT: We are dealing with the rights of inheritance. That is the main question. The capacity to offer funeral oblations comes in only as a side-issue, so far as the *Mitakshara* is concerned. As regards *Dayabhaga*, it is entirely different. So far as *Mitakshara* is concerned, it is only consanguinity that counts for inheritance.

MR. K. PARAMESVARAN PILLAI: The question of *Dayabhaga* does not arise at all. No Bengali Brahmin has yet come to marry a Nair girl. We are concerned only with the followers of *Mitakshara*. Therefore the argument that, *because* the Nair son cannot perform the *sraddha* of his non-Nair father, he is not entitled to inherit is opposed to the principle of *Mitakshara* law itself, or at any rate it is not supported by the principle of *Mitakshara*.

RAO BAHADUR K. V. RANGASVAMI AIYANGAR: Does "non-Nair" exclude Bengali Brahmins in the proposed legislation?

DEPUTY PRESIDENT: He is referring to the thing just to show that, under the personal law of the Bengalies following the *Dayabhaga*, it is the capacity to offer funeral oblations that determines the capacity for inheritance.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR: I rise to a point of personal explanation. My point is that the proposed measure will alter the personal laws and undermine the sacramental duties of other communities who have relations with Nair women, whether the members of such communities follow the *Dayabhaga* or the *Mitakshara*.

DEPUTY PRESIDENT: You may continue, Mr. Paramesvaran Pillai.

MR. K. PARAMESVARAN PILLAI: So much for the objection based on the personal law of the followers of the *Mitakshara*. Now I come to the Kshatriyas. They follow the *marumakkathayam* law under which there is no succession but only survivorship. The *tarwad* is the owner and heir of all the properties of the *marumakkathayees* and that right is not derived from the right of performing the obsequies of its deceased members.

DEPUTY PRESIDENT: Is that so in regard to self-acquired or separate property?

MR. K. PARAMESVARAN PILLAI: It is well-known that pure *marumakkathayam* law recognised no self-acquired property. The idea of self-acquired property is a recent development and the basis of its succession by the *thavazhee* of the acquirer is love and affection and not the capacity to perform the funeral oblations of the deceased. Hence, the performance of *sraddha* has absolutely nothing to do with the question of inheritance of any Kshatriya or other *marumakkathayee*.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. Parameswaran Pillai.]

Then it has been said that reservation should be made for funeral expenses and *sraddha*. I believe that in the bill itself provision has been made for them. It is only after paying the funeral expenses and debts that the distribution of the intestate's estate will be made.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR: I wish to ask whether the provision made for funeral expenses would include the expenses of the annual performance of *sraddhas*.

MR. K. PARAMESVARAN PILLAI: I do not think it will. It is open to the mover of the bill to say that he means otherwise. As far as I can read the bill, it will not. There is no obligation upon anybody to do it. If the caste-heir of a non-Nair marrying a Nair lady is very desirous of performing the *sraddha* annually, he may please himself, but he must meet the expenses out of his own share.

As regards the expenses of the performance of other ceremonies such as *upanayanam*, marriage of girls, etc., I must say that they must always be met out of the individual share of the person whose *upanayanam* or marriage has to be performed.

Yesterday it was suggested by the Deputy President that, in so far as the people governed by the *Mitakshara* law are concerned, the separate and self-acquired property of a deceased person who leaves a Nair wife and children surviving him should not be divided equally between the Nair wife and children on the one hand and the caste-widow and children or the undivided non-Nair heirs on the other, but that it should be divided *per capita* between all the widows and children including both Nairs and non-Nairs. There is much force in the argument. When I drafted my bill, I took that aspect of the question into consideration and the provision in my draft bill, I am glad to say, is exactly that. I will read it for the benefit of the members.

DEPUTY PRESIDENT: You can take it for granted that the provision is in your bill.

Mr. K. PARAMESVARAN PILLAI: I have got it here. Section 16 of my bill says:

"On the death of a Nair male, leaving him surviving a Nair widow or children or both, she or they shall, if he has also left a caste-widow, children or both, have the same rights in the intestate's properties which she or they would have if he and his caste widow and children, if any, were Nairs."

I hope the Select Committee will give their best consideration to this suggestion. In fact, the object of this amendment is, I take it, not so much to get a material benefit, as to remove the inequality between the two marriages by putting the two on the same level in regard to intestate succession and inheritance. This suggestion will be more acceptable to the community than the provision in the bill under consideration. As it is, marriage between Nair women and non-Nair males is looked upon by the latter as a kind of morganatic connection. We want

LIBRARY ARCHIVES Kerala Legislative Assembly

to remove this stigma. So, so far as section 13 B is concerned, I may say that it is absolutely legitimate, lawful and necessary. It is in conformity with the law of equity and good conscience that a Nair widow and children of a non-Nair husband should inherit a share of his self-acquired and separate property. Mr. K. C. Raja Raja Varma asked why, when it had become the rule for non-Nair husbands to make provision for their Nair widow and children, we should insist upon a legal recognition of the right, or, in other words, why we should not rely upon their moral sense to provide for their Nair wife and children. The reason is this. We are introducing individual partition in *marumakkathayam tarwads*. The *tarwad* is going to be split up. One of the arguments of the opponents of individual partition is that our women will be left adrift. Before we dissolve altogether our joint *tarwads*, it is our duty to strengthen the marriage-tie and to establish the legal claim of our girls and their children to maintenance and inheritance from their husbands and fathers. Further, if, as is contended, it has become the custom for non-Nair husbands of Nair females to make provision for them, what is the objection to give it statutory recognition? Is it not an argument in favour of the interference of the legislature especially in view of the fact that in the case of marriages between Nairs a partial recognition was made by the Nair Regulation and it is only sought to be made full by this amending bill? I must therefore say that we cannot in such an all-important matter leave it to the moral sense of an individual or a community. *Therefore* it is absolutely necessary that, when you provide for individual partition, you should provide for the legal recognition of *makkathayam tarwads*.

Now, the object of introducing this principle in the *marumakkathayam* law is to give statutory recognition to the growing desire of the community to become more and more *makkathayees*. But this cannot be realised fully without individual partition. A friend of mine has been at great pains to prove that *makkathayam* should *precede* individual partition and that in fact we should manage to become *makkathayees* before we legislate for individual partition. So far as I have been able to study the subject, I must confess that I have not been able to understand that particular method by which we can become all *makkathayees* before we break up the *tarwad* system. To me, it is quite clear that our goal cannot be attained without enacting a law enabling every member of a *tarwad* to divide from the rest. All the old stock arguments such as small holdings, destitution of women, the difficulty of dividing houses and of providing new houses for separated members have been put forward in this House also. All these arguments have been before the public from the time the agitation for partition commenced. They have all been met by counter-arguments which it will serve no useful purpose to repeat; and the final verdict of an overwhelming majority has been in favour of individual partition. The evils of partition are after all its by-products. They are not the necessary results or the objects of individual partition, but they are incidental to it. We must know

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. Parameswaran Pillai.]

how to grapple with these by-products. Because we have not discovered the method of utilising the by-products, we must not give up the industry unless we are satisfied that it will not pay without the proper utilisation of the by-products. A friend of mine was once in a similar position. He wanted to manufacture sugar. He started a factory. But he did not know how to deal with the by-product which consisted of molasses. He applied to the Government to purchase it. But they did not do so; nor would the Government allow him to utilise the by-product for the manufacture of liquor. He had therefore to close his factory. We shall not be in that deplorable situation. I hope that our resources will enable us to deal adequately with the evils arising from individual partition. My friend, Mr. T. K. Velu Pillai, gave a very glowing description of the great sacrifices which our sisters make in the interests of their brothers and the happy house they keep for us. But what is the fact? If we now go to our *tarwads* to enjoy all the benefits of their sacrifices, we shall not find our sisters there, but their places occupied by the *karanavan*, his wife and children. In search of these sisters, we shall have to go to their husbands' houses. Again, Mr. Nilakanda Pillai contended that the *tarwad* properties belong to women, and that some compensation should be made to them before you give the males the right to claim a share of the *tarwad* property. He also told us that the property belongs to generations still unborn and it is inequitable to deprive and disinherit them by breaking up the *tarwad* system. In theory, *tarwad* property belongs to—

MR. N. NILAKANDA PILLAI: May I say that what I said was not theory but practice?

MR. K. PARAMESVARAN PILLAI: Well, Sir, I claim to know intimately the condition of more Nair *tarwads* than Mr. Nilakanda Pillai himself, because I had the opportunity of practising in one of the courts of Travancore which had under its jurisdiction the largest number of Nair *tarwads*. I was practising in that court for eighteen years, and I should say that, if there is anybody who is benefited by the Nair *tarwad* in practice, it is the male members and not the women. No doubt, in theory, everybody will admit that the properties belong to women, but in practice they really belong to the *karanavan* and to some extent to those junior members who happen to get the favour of the *karanavan* or marry his daughters. As regards the right of generations unborn, I may say that in law they have no claim, for it is competent to the members of a *marumakkathayam tarwad* to alienate absolutely the whole of its *corpus*. Mr. Nilakanda Pillai also mourned with Burke the passing away of the age of chivalry. And the glowing description of the *marumakkathayam tarwad* and its benefits reminds me of the observations made by Mr. Paine on reading the rapturous passage in Burke's *Reflections on the French Revolution* regarding Mary Antoinette and the age of chivalry. Paine asks: "Shall we weep over the plumage while the bird is dying?" That is exactly what

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. Nilakanda Pillai and men of his way of thinking are doing. Let us not do that. Let us try to rescue the bird and not weep over its plumage. The argument based on small holdings has been demolished with great force and eloquence by Dr. Kunjan Pillai, and I need not travel over the same ground. Therefore, it appears to me that individual partition has become absolutely necessary, that it is the only remedy for the evils of the *marumakkathayees'* yoke and that all compromises are only partial remedies and may tend to aggravate the disease. We must therefore boldly face the situation and any amount of vacillation can only lead to trouble and ultimate ruin. I therefore support, with all the strength that I can command, the broad principles of the bill.

MR. T. K. VELU PILLAI: Is the share that a member will get under this arrangement of individual partition to be regarded as a kind of absolute property over which the children will have no right?

MR. K. PARAMESVARAN PILLAI: I have thought over the matter and I should say without hesitation that he should take it absolutely and not encumbered with any coparcenary right, because that will be defeating the object of individual partition. One main object of individual partition is to create a feeling of responsibility in the individual and make him take care of the properties he inherits. We should not introduce all the troubles and difficulties of the *Mitakshara* system of inheritance into the *marumakkathayam* family. Let us not pass from Scylla to Charybdis.

MR. C. J. CURIEN: Sir, if the present system of *marumakkathayam* law is continued among the Nairs, the prosperous condition in which the Nair community existed till about fifty years ago will be changed into a miserable and pitiable one. For, then, their male members stuck to the system of spending very little of their time with their wives and children, most of it being spent with their sisters, nephews and nieces and in working for the common good of their family. Since then a change has taken place in that community by adopting a system of spending their whole time with their wives and children. By such association their love and affection towards their wives and children have become deeper than what they used to be for their nephews and nieces; and the attachment is so deep-rooted that it has now become impossible for them to go back to former condition. The outcome of such a natural change in their mentality is, I am inclined to believe, the internecine quarrels in Nair families which, as we hear often, lead to murders of *karanavans* and *anandaravans*, endless litigation, heavy losses of family properties and absence of the feeling of responsibility on the part of the members to work for the improvement of their family properties. Unless a man feels a responsibility for the improvement of his material prosperity and is enterprising, he can never attain it. Taking the Nair community as a whole into consideration, I am of opinion that they are more enterprising than the *makkathayees* who are spoken of as possessing that characteristic to a high degree. For, you will notice a legion of beggars rambling about the roads at the Capital and in the mofussil towns,

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. T. K. Velu Pillai.]

but you will rarely see a Nair among them. In spite of the numerous difficulties he is beset with in his family house for his upkeep, he is so enterprising that he is able to pass his days without resorting to beggary. I am sure that, if he becomes master of his own and has the command of his own money, he will take the wind out of the sails of *makkathayees*. To effect such a consummation, individual partition among Nairs is the only means. I therefore support the bill so far as its general principle is concerned.

MR. M. UDAYA VARMA RAJA: Sir, it is now ten years since the Nair Regulation was enacted; and the desire of the Nair community for amending the same is quite natural. The progress of advanced ideas also necessitates it. I, therefore, congratulate my friend, Mr. Raman Pillai on having made a move in that direction. The Nair Regulation Amendment Bill, though small in form, is full of matter requiring very careful consideration. It contemplates more the introduction of new reforms than the remedying of defects found in the working of the existing Nair Regulation. I doubt whether all the provisions of the bill have received the whole-hearted sympathy of the Nair community as a body. The mover himself admits as much when he says in the statement of objects and reasons that clause 10 is added in deference to the sentiments of a section of the members of the community. In matters like this, Sir, it would have been, in my humble opinion, a surer and more advised step for the member in charge of the bill to have ascertained the views of other sections of the community as well, for whose benefit legislation is sought. I do not quite understand what my learned friend means by saying that clause 10 enjoins monogamy so far as Nair females are concerned.

I cannot but protest against the attempt made in the bill to affect the personal law of non-Nairs by my friend who respects personal law as seen from section 10 (*b*). To deprive a non-Nair of his birthright by a provision made in the bill like this appears to be an illegal procedure. In this connection, I wish to add that even non-Nairs have begun to feel the responsibility, increasingly indeed, of providing for their wives and children, and that those who can afford have endowed and are endowing them to the best of their abilities. If I mistake not, there is a large number of ancient aristocratic Nair families who even now decline to give their females in marriage to Nairs.

MR. N. PADMANABHA PILLAI: May I ask what is the birthright that the member has just referred to?

MR. M. UDAYA VARMA RAJA: I mean inheritance.

MR. T. K. VELU PILLAI: May I know whether it is not a birthright of the Nair children born of a non-Nair father to claim some portion of the family estate?

LIBRARY ARCHIVES Kerala Legislative Assembly

DEPUTY PRESIDENT: Not until the statute creates such a right. You have to confer it.

MR. M. UDAYA VARMA RAJA: Whether their view is correct is a matter of opinion. They can certainly change it when they are convinced of the necessity for reform. The Statute Book empowers wives and children to take action against husbands or fathers who do not maintain them. In my opinion, Sir, a provision needs to be made only for claiming maintenance in cases where the latter unfortunately die before supplying the means of maintenance. Anyhow, I wish to press for the attention of the Council at this stage of the bill, the point that the legislature should not force any community to change its personal law.

The provision for partition, Sir, is a new element in the bill. No doubt, the minds of the Nair community are saturated with the idea of partition. But sufficient time ought to be allowed for their opinions to crystallise and for one to pronounce whether *thavazhee* partition or individual partition would benefit the community; for, if I mistake not, there are Nair families which are opposed even now to the kind of partition contemplated in the bill. I am afraid partition cannot always shower manna in the path of progress. Even among *makkathayees*, members divided from the family have not prospered, while among *marumakkathayees* members of a joint family have prospered. The industrious, whether rich or poor, are everywhere successful. Further, among the Nairs in Travancore there are many poor families. When members of such families are separated from the stock by compulsion or otherwise, hard will be their own lot and that of their own families.

With these brief remarks, Sir, I beg to affirm the principle of the bill.

MR. V. SUBBA AIYAR: Sir, it is with a certain amount of delicacy that I rise to speak, as I do not want to record my silent vote in a legislation of such vital importance to the important community of Nairs in Travancore. I may at the outset observe that any observation proceeding from me should not in the least be regarded as emanating from Government or in any way expressing the views of Government, because I may positively assure the House that Government have no views in the matter; and that, I believe, has been sufficiently made clear by the fact that even the official members have not been unanimous in their views as to how the bill should be shaped; so that, each has his own opinion which is not exactly the same as the views of his brother member. That shows positively that there is no Government view or Government opinion in this matter.

Now passing on—

MR. K. P. RAMAN PILLAI: May I ask Mr. Subba Aiyar to let me know whether Government have asked Dr. Kunjan Pillai to propose a compromise in this House?

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. V. Subba Aiyar.]

MR. V. SUBBA AIYAR: As a lawyer, Mr. K. P. Raman Pillai must know that it is a question which he ought to have asked Dr. Kunjan Pillai.

MR. K. P. RAMAN PILLAI: I asked Mr. Subba Aiyar, because he happens to be the Law Member.

MR. V. SUBBA AIYAR: I am not in the confidence of Government myself in that matter. Except as the mouthpiece in the matter of legislation, I have nothing else to do with it.

MR. K. P. RAMAN PILLAI: My point is that he is the official member in charge of legislation.

DEPUTY PRESIDENT: But that is something different from your exercising the right of questioning the member who is in possession of the House.

MR. K. P. RAMAN PILLAI: On what authority then did he say that Government had no views in the matter?

DEPUTY PRESIDENT: He has obviously no mandate. He speaks on his personal responsibility.

MR. K. P. RAMAN PILLAI: He said that the different views of the official members showed that the Government had no views in the matter, and therefore I asked him on what authority he said so.

DEPUTY PRESIDENT: Apparently on his own authority.

MR. V. SUBBA AIYAR: In the first place, I am not in the confidence of the Government as to what transpired, if any such thing has transpired, between Government and Dr. Kunjan Pillai. Apart from that, I am not in charge of this legislation. So far as the Nair Regulation Amendment Bill is concerned, I am a member of this Council just like every other member.

MR. P. K. NARAYANA PILLAI: May I know whether there is any official member in charge of this particular measure?

MR. V. SUBBA AIYAR: No. There cannot be.

MR. P. K. NARAYANA PILLAI: The rules contemplate it.

MR. V. SUBBA AIYAR: No. The rules do say that the official member in charge of the department shall be a member of the Select Committee. That, I suppose, is the rule referred to. If so, it only means the official member in charge of the administration of the department, *i. e.*, one of the Secretaries to Government. I believe the Chief Secretary represents the Judicial Department. I do not know who represents it in his absence.

MR. S. PARAMESVARA AIYAR: I am in charge of it now.

MR. V. SUBBA AIYAR: I am not in charge of any department; I only represent such legislative matters as are introduced into the Council through me. Apart from that, I repudiate most strongly the insinuation made by Mr. K. P. Raman Pillai that Government have sought to

LIBRARY ARCHIVES Kerala Legislative Assembly

effect a compromise before the introduction of the bill and that there was necessity for a compromise, as if this were a matter between the Government as a party on the one side and the Nairs as a party on the other disputing a particular provision in the bill.

MR. K. P. RAMAN PILLAI: Is it an insinuation?

MR. V. SUBBA AIYAR: What else is it? The question will suggest to an ordinary mind, to any person possessed of ordinary commonsense, that Government were eager to have the bill shaped in a particular way and that they asked Dr. Kunjan Pillai of all persons to propose a compromise — because he is a person who is absolutely in favour of individual partition.

DEPUTY PRESIDENT: You need not labour the point. Mr. K. P. Raman Pillai was not in order in putting that question to you.

MR. V. SUBBA AIYAR: Passing on to the bill, there are three or four points which I consider to be vital. Those points are the provisions enforcing monogamy, regulating intestate succession in the case of Nairs and non-Nairs, and those relating to partition. These I consider to be the vital principles of the bill. Although I have heard all my friends saying that they support the principle of the bill, I rather doubt, from the speeches that have been delivered, whether they are in agreement with the vital principles of the bill itself, I make that statement in order to elicit from the House answers to some difficulties that may arise at a later stage of the bill, if the bill happens to be referred to a Select Committee.

DEPUTY PRESIDENT: Under the Standing Orders, what is done at the present stage is to move that the bill be read in Council. Of course, the various aspects of the bill are being discussed. The views of the members are placed before the House for careful examination by the Select Committee. If, as a matter of fact, the majority are not for the bill being read in Council, they are given an opportunity for voting on the motion. I think there is no necessity now for coming to a definite conclusion as to whether we are finally accepting a particular provision embodied in the bill.

MR. V. SUBBA AIYAR: With all deference to the Chair, let me explain the position. My point is that, supposing the general principle of the bill is affirmed and the bill referred to the Select Committee, what it means is that the Select Committee cannot go behind the principle accepted by the House. Therefore it is that I am labouring the point as to what is the principle that has been accepted and whether the Select Committee has liberty to go beyond it.

MR. G. PARAMESVARAN PILLAI: The principle that has been under discussion is that the Nair Regulation stands in need of amendment.

MR. T. K. VELU PILLAI: The President having given a definite ruling, Mr. Subba Aiyar is not entitled to make any observation on that point.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Deputy President.]

MR. V. SUBBA AIYAR: I do not think there was a ruling.

DEPUTY PRESIDENT: I am at one with Mr. G. Paramesvaran Pillai that what the Council generally affirms at this stage is that a case has been made out for revising the existing regulations and amending them in a form that will be acceptable to the majority of the House. I do not think we are committing ourselves to accept finally any special provision of the bill, because it is open to the House at a future stage to sanction the rejection of the whole or any part of the bill when it comes back from the Select Committee. If it is said that the Council has already committed itself *because* it affirmed the principle of the bill generally, and if this is intended to suggest that the Council has forfeited its right to revise the bill at a later stage, it appears to me that it is not necessarily warranted by the language of the Standing Orders or the usage of legislative assemblies generally.

MR. V. SUBBA AIYAR: If that is the view, I am very glad that the House is at liberty to consider the merits of the bill at a future stage. But the Select Committee is bound by the mandate of the House. It appears to me therefore that the Select Committee cannot go beyond the principle affirmed by the Council. If this question is to be left open, *viz.*, as to what exactly the principle is and if the Select Committee is at liberty to shape it, I have absolutely no grievance in the matter. I want this point to be made clear in order that it may not be said afterwards, say, with reference to individual partition, that the question of partition was before the Council, and that, the Council having accepted the principle of the bill, we shall not be at liberty to go back upon the provision.

DEPUTY PRESIDENT: Can you really say that the principles embodied in this bill may be reduced to one denomination, so that it may be said that the House has affirmed or declined to affirm it? Now, there is the question of intestate succession. That embodies a distinct principle in itself. There is the question of partition, whether individual partition or *thavazhee* partition. That is another distinct principle. There is the question of monogamy. That is a distinct principle by itself. It will not be fair to say that there is only one principle or one set of principles of a uniform character to which the House may be taken as having assented and as giving a mandate to the Select Committee to shape the bill in accordance with it. Of course, if the House directs that a particular provision should or should not be embodied in the bill and the revising powers of the Select Committee are definitely curtailed, it is bound by the mandate. If, on the other hand, the House discusses the bill in the various aspects in which it may be properly discussed and you say that the bill be read in Council and if the Select Committee is required to investigate carefully the various grounds of objection urged against the retention of any particular provision and the various suggestions made for the introduction of any additional provision or generally to report on

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the bill and the Select Committee carries out its duties by making suitable amendments, I should hold that the Select Committee will be perfectly in order. I would only say that, if you give a special mandate to the Select Committee not to accept a particular provision to which there has been a general objection, the Select Committee will be concluded by that order. The Select Committee can make all relevant amendments which the House itself can, whether by way of addition or alteration or omission, subject to any specific mandate that the House expressly gives in the order of reference.

MR. V. SUBBA AIYAR: It is only that that I wanted, because, at a later stage, it should not be said that, according to the reading of some of the proceedings elsewhere, the principle is affirmed and therefore the Select Committee cannot go beyond that. To my mind, the principle of individual partition is a vital question. I wanted the assurance that the mere fact that a principle is accepted will not deter the Council from going into it.

DEPUTY PRESIDENT: I repeat that the power of the House to reject or amend the bill and the right of the Select Committee to make relevant amendments are not affected by the principle being affirmed and the bill being referred to the Select Committee.

MR. V. SUBBA AIYAR: I am bound by the ruling of the Chair. It is only to avoid complications later on that I raised the question now.

Passing on to the question of partition, personally I am not much concerned as to whether it is individual partition or *thavazhee* partition that is accepted by the House. But I may at the same time say that, in order to come to a conclusion as to whether we should accept individual or *thavazhee* partition as the basis, I believe we are bound to legislate in the direction in which the community wants it. In other words, legislation should be according to the general sense of the community. It may be that there is a dissentient minority, so far as a particular matter is concerned; but if the general sense of the community is for a particular line of action, I do not think that that should in any way deter us from legislating according to the will of the majority. But my difficulty has been this. I have not heard from Mr K. P. Raman Pillai anything to show that the majority want individual partition. *Thavazhee* partitionists are said to be only a respectable or negligible minority. With reference to that assertion, on going through the papers, I find that all those papers seem to be tending in one way except the present bill. If you go into the history of the bill, we find that the *Marumakkathayam* Committee recommended—

MR. K. PARAMESVARAN PILLAI: May I know what that way is?

MR. V. SUBBA AIYAR: *Thavazhee* partition. The *Marumakkathayam* Committee recommended *thavazhee* partition. The Government reference was on *thavazhee* partition. The committee reported on *thavazhee* partition and the discussion before the Council which led to

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[Mr. V. Subba Aiyar.]

the present regulation was with reference to *thavazhee* partition. Then, when the non-official members objected to it and when the Government had a majority, they thought that it might not be proper for the Government to embody the provision when all the non-official members were on the side against it. Therefore that particular portion was withdrawn.

MR. T. K. VELU PILLAI: Were not all the non-official members in favour of it at the time when I introduced a bill embodying a provision for *thavazhee* partition?

DEPUTY PRESIDENT: I daresay we would come to that.

MR. V. SUBBA AIYAR: That was the first stage. According to that stage, *thavazhee* partition was wanted. Next, I come to the stage of Mr. T. K. Velu Pillai's amending bill. I was just at it when he suggested it. He wanted to introduce *thavazhee* partition. Although the non-official members were united, Government did not want to interfere in the matter for the reason that it was only three or four years ago that the non-official members had unitedly said that there was no necessity for partition at all. So, if the elected members of the particular Council happened to be of the view that *thavazhee* partition was necessary, Government thought that they would not be justified in introducing the provision unless they were in a position to know the general sense of the community. That apart, what I meant to say is that Mr. T. K. Velu Pillai wanted only *thavazhee* partition.

MR. K. P. RAMAN PILLAI: Why did not the Government, who thought it fit to show deference to the non-official members' opinion in 1088, think it fit to show the same deference subsequently when Mr. T. K. Velu Pillai's bill was introduced?

DEPUTY PRESIDENT: It is a plain fact. He is giving only the history of the bill.

MR. V. SUBBA AIYAR: I am only giving the historical facts and stating what transpired.

Subsequently, Mr. C. Raman Tampi introduced a bill wherein we find *thavazhee* partition advocated. That bill was referred to a Select Committee. Inasmuch as the Select Committee could not send up its report in time so that the last Council might consider it, it was deferred so that a more representative House may tackle with the question. It was therefore adjourned. Ultimately, we have got the present bill. Even in 1096, I find from the papers that there was a large volume of opinion in favour of *thavazhee* partition. Printed petitions signed by a very large number of persons, whether they are genuine or not, were received on this question. They all say that there should be *thavazhee* partition alone. There are other records which my friend Mr. Raman Pillai wanted. I believe the resolutions passed by the *Samasta Keraliya Nair Samajam* are to the effect that *thavazhee* partition alone is necessary.

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MR. K. PARAMESVARAN PILLAI: I contradict it.

MR. V. SUBBA AIYAR: That is how I understood it. The amending bill proposed by my friend Mr. K. Paramesvaran Pillai follows exactly the same line.

MR. K. PARAMESVARAN PILLAI: No.

MR. V. SUBBA AIYAR: I am saying what suggests itself to me. It is a matter of difference of opinion. Such difference of opinion on every question is only possible. Mr. Paramesvaran Pillai thinks it is individual partition. I think it is *thavazhee* partition. There need be no impression that I am advocating *thavazhee* partition. I am merely narrating facts. Mr. K. P. Raman Pillai stated them in one way and I am giving my version. The provision as to *thavazhee* partition says that no Nair shall be at liberty to claim partition except under the following circumstances, that is to say, except as provided in clauses 34, 35 and 36, of Mr. Paramesvaran Pillai's bill, which I will read:

Partition from own *Thavazhee*.

34. Except as hereinafter provided no member of a *tarwad* shall claim or be compelled to divide from any other member or members of his or her own *thavazhee* or the *thavazhees* of his lineal ascendant in the female line during the lifetime of such ascendant.

Collateral *Thavazhees* entitled to divide.

35. (*a*) After the death of the lineal ascendant referred to in Section 34 or with her consent each collateral *thavazhee* represented by the majority of the major members thereof may claim an out-right partition of all the properties over which the *tarwad* has a power of disposal.

(*b*) The male children and the female children without issue of such ascendant that do not come under any of such *thavazhees* may obtain their share and separate.

Share on partition.

36. Each of such *thavazhees* as a whole or individuals entitled to claim partition shall be entitled to so much of the common properties as would fall to the shares of the members of that *thavazhee* or individuals if a division *per capita* were made among all the members of the *tarwad* living at the time of division.

MR. K. PARAMESVARAN PILLAI: You have not exhausted the whole. There is another provision, *i. e.*, any member who is above 21 may claim to be divided. (*Laughter.*)

MR. V. SUBBA AIYAR: Probably I have not read it. It may be so. What I thought was that it is only *thavazhee* partition that it contemplated. (*Laughter from the visitors' gallery.*)

DEPUTY PRESIDENT: Gentlemen in the gallery are requested not to demonstrate.

MR. V. SUBBA AIYAR: The idea contained in all that I have referred to is that *thavazhee* partition alone should be given. If it is known that, as a matter of fact, the majority of the Nairs are for individual partition, by all means let us have it. But in the absence of any statistics or any information as to the general opinion, that is to say as to whether the majority want individual partition or *thavazhee* partition, I am not in a position to say whether the one should be accepted or the other; because, I daresay my friends on the non-official benches will bear me out when I say that there is no unanimity in their views. Even

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[Deputy President.]

Mr. K. P. Raman Pillai will take notice of the fact that all the members are not unitedly for individual partition

MR. K. P. RAMAN PILLAI: We are united as regards the principle of individual partition.

MR. V. SUBBA AIYAR: Yesterday and to-day, I have been listening to speeches and I believe it is just like the way in which lawyers differ in matters of interpretation and they are likely to differ till the end of time.

DEPUTY PRESIDENT: I believe, Mr. Subba Aiyar, you will take some time more.

MR. V. SUBBA AIYAR: I may take some time say, half an hour more.

DEPUTY PRESIDENT: Then we shall adjourn to-day to meet at 11-30 A M. to-morrow.

The Council adjourned at 5 P. M.

S. PARAMESVARA AIYAR,
Secretary to the Legislative Council.

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